

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC  
ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

November 14<sup>th</sup>, 2023

HAND DELIVERED

Drew Pierce, Chair  
Town of Stratham  
10 Bunker Hill Avenue  
Stratham NH 03042

Re: Applicant: Green & Company Building and Development Corp.  
Property: 13 & 15 Stoney Brook Lane  
Map 4, Lots 1 & &  
Special Commercial District ("SC")

Dear Chair Pierce:


On behalf of the applicant, Green & Company Building and Development Corp., we are pleased to submit this letter and the enclosed application materials in support of its request for zoning relief for the above-referenced property.

Enclosed please find an original and eight (8) copies of the following documents:

- A. Application for Variance.
- B. Memorandum in Support of Variance with supporting exhibits.
- C. Owner Authorization.

Also enclosed is an Abutter's list (x3) on mailing labels together with my firm's check in the amount of \$350 to cover the \$250 Application Fee and \$100 abutter fee (\$5 x 20). Please do not hesitate to contact me should you need anything further.

Very truly yours,

  
R. Timothy Phoenix  
Kevin M. Baum

RTP/KMB:slb

Enclosures

cc: Green & Company  
Boulders Realty Corp.  
Jones & Beach Engineers, Inc.

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DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	SAMUEL R. REID
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	DUNCAN A. EDGAR	JOHN AHLGREN



**TOWN OF STRATHAM**  
**ZONING BOARD OF ADJUSTMENT**  
 10 Bunker Hill Avenue · Stratham, NH 03885  
 (603) 772-4741 · Fax 603-775-0517  
[www.StrathamNH.gov](http://www.StrathamNH.gov)

Zoning Board of Adjustment – Variance Application

FOR OFFICE USE ONLY	
ZBA Case Number: _____	Public Notification Date: _____
Date Application Filed: _____	Public Hearing Date: _____
Received By: _____ (Initials Only)	Approval/Denial Date: _____
Fees Received: _____	ZB A Decision Date: _____

**Section 1. General Information (Please print or Type)**

APPLICANT/AGENT Phone#: 603-964-7572 Fax #: \_\_\_\_\_  
Green & Company Email Address: \_\_\_\_\_  
11 Lafayette Road North Hampton NH 03862  
Street Address Town/City State ZIP

PROPERTY OWNER (If different from Applicant) Phone#: 603-778-6894 Fax #: \_\_\_\_\_  
Boulders Realty Corp. Email Address: mgarrepy@gmail.com  
PO Box 190 Exeter NH 03833  
Street Address Town/City State ZIP

Tax Map: 4 Total parcel area: 3,366,393 (s.f.) Property Deed Information:  
 Lot(s): 1 & 7 77.3 (acres) Book: 6467 Page: 687

ZONING DISTRICT(S): Special Commercial (CSC)

OVERLAY DISTRICT(S):  Aquifer Protection District  Wetland Conservation District  
 (Check all that apply)  Shoreline Protection  Floodplain Management  
 Gateway Commercial Business District

**Section 2. Background**

Please provide a brief description of your project, including your intended use of the property and/or intended improvements to the property, if applicable:

Applicant proposes to develop the property with a 59 unit condominium consisting of 2-bedroom single family standalone units with attached decks, to be serviced by private on-site drinking water wells and septic systems.

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**Section 3. Variance Request**

A variance is requested from Section III Article 3.6 of the Zoning Ordinance and asks that said terms be waived to permit the following:

Single family dwelling units as part of an overall condominium development on the property

The applicant bears the burden of presenting evidence sufficient to allow the Zoning Board to reach conclusions and make findings to support the authorization of a variance. To do so, the undersigned alleges that the following legal criteria for granting a variance are satisfied, and submits the accompanying written statement, records, photographs, and other materials to justify the granting of the variance and to explain how each of the criteria for the variance is or will be satisfied.

Facts supporting this request:

- i. The variance will not be contrary to the public interest because:

Please refer to submitted memorandum

- ii. The spirit of the ordinance is observed because:

Please refer to submitted memorandum

- iii. Substantial justice is done because:

Please refer to submitted memorandum

- iv. The values of surrounding properties are not diminished because:

Please refer to submitted memorandum

- v. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
  - 1. For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
    - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

**Please refer to submitted memorandum**

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And:

- b. The proposed use is a reasonable one because:

**Please refer to submitted memorandum**

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- 2. Explain how, if the criteria in subparagraph 1. are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties on the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. :

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- 3. The definition of “unnecessary hardship” set forth in this section shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.



Section 4. Applicant's Certification

I declare under penalty of perjury that all of the submitted information is true and valid to the best of my knowledge and belief and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Stratham. I have read and agree to abide by the regulations and conditions of approval listed on this application. I understand that my misrepresentations of submitted data may invalidate any approval of this application. I further authorize the Members of the Board and/or their staff to enter onto my property for the purposes of this review.

  
\_\_\_\_\_  
Signature of Applicant

*RT Phoenix*  
\_\_\_\_\_  
Print Applicant's Name

*11/14/23*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Owner

*RT Phoenix*  
\_\_\_\_\_  
Print Owner's Name

*11/14/23*  
\_\_\_\_\_  
Date

NOTES:

1. Application must be sign signed by the owner of the property or other person having the legal right to apply as an agent of the owner. If signed by a person other than the owner of the property documentation of the legal right to apply as an agent of the owner must be supplied at the time the application submittal.
2. If applicant is renting/leasing subject property/structures, said applicant must have a signed letter from the owner stating their permission to conduct the proposed business project on their property. This letter must include the property owner's name, current address, and telephone number.



## APPLICATION CHECKLIST

### Section 4. Applicant's Certification

- Completed and signed application (check to ensure the proper section is filled out).
  - Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION
  - Section 2. APPLICATION FOR A SPECIAL EXCEPTION
  - Section 3. APPLICATION FOR VARIANCE
  - Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS
- Submission of a plat or drawing, which should provide information in support of the appeal. (9 sets)
- Completed abutters list with three (3) address labels, no envelopes
- Fees: \$250 plus \$5 for each abutter
  - \*\*Town of Stratham and all individuals requiring notification (property owner, legal counsel, engineering firms, etc.) must be included on the abutter list.
- Check for the appropriate amount made out to the Town of Stratham.

## MEMORANDUM

**To:** Stratham Zoning Board of Adjustment (“ZBA”)  
**From:** R. Timothy Phoenix, Esq  
Kevin M. Baum, Esq.  
**Date:** November 14, 2023  
**Re:** Green & Company Building and Development Corp., Applicant  
Boulders Realty Corporation, Owner  
13 & 15 Stoney Brook Lane  
Map 4, Lots 1 & 7  
Special Commercial District (“SC”)

Dear Chair Pierce and Zoning Board Members:

On behalf of Green & Company Building and Development Corp. (the “Applicant” or “Green”), we are pleased to submit this memorandum and attached exhibits in support of zoning relief to allow single-family residential use on the above-referenced property, to be considered by the Stratham Zoning Board of Adjustment (“ZBA”) at its November 28, 2023 meeting.

### I. EXHIBITS

- A. Plan Set – issued by Jones & Beach Engineers, Inc.
  - Overview Existing Conditions Plan (Sheet C1)
  - Overview Site Plan (Sheet C6)
  - Detailed Site Plans (Sheets C7-8)
- B. Architectural Elevations & Floor Plans –showing illustrative building designs.
- C. GIS Maps showing lots and underlying zoning districts.
  - Town of Stratham GIS Map
  - Town of Exeter GIS Map
- D. Real Estate Appraisal – by Brian W. White, MAI, SRA dated November 10, 2023.

### II. PROPERTY/PROJECT

The subject property, located at 13 & 15 Stoney Brook Lane (the “Property”), is an approximately 3,366,393 square foot (±77.3 acre) parcel located in the Special Commercial (“SC”) zoning district. Exhibit A (Sheet C1). Lot 1 (13 Stoney Brook Lane) contains a small, dilapidated single-family house that is encroaching on a small ponded area. . The remainder of the Property is undeveloped. Access to the Property is from Portsmouth Avenue (Route 108) via Stoney Brook Lane. The Property is bounded by Route 101 to the north, the Squamscott River to the west and Wheelwright Creek and Parkman Brook to the south. A portion of the Property contains wetlands; however, areas of upland are present and available for some low density development.

Stoney Brook Lane, which provides access to the Property, contains several single-family residences. Stoneybrook also provides access to a small retail plaza. Exhibit C. Other properties to the



north, across Route 101, and east, along Portsmouth Avenue (Route 108) are commercially developed. Id. However, the lots to the south of the Property, in particular those closest to the proposed development area, are residentially developed and within the Town of Exeter's Residential-2 Zoning District. Id.

Green proposes to create fifty-nine (59) free-standing single family condominium residences on the Property. **Exhibit A** (Sheets C2-8); **Exhibit B**.<sup>1</sup> Each unit/building will contain three-bedrooms to provide additional housing to the area. The overall development will be a single condominium, subject to a condominium association. The project is intended to provide a coordinated development of multiple single-family structures on the Property. However, because each unit will be a separate, free-standing single-family building, the project was determined to constitute a single-family residential use, rather than multi-family use, which is permitted in the SC District by conditional use permit. Accordingly, and for the reasons further detailed below, Green seeks a variance from Section III, Article 3.6 (Table of Uses) of the Stratham Zoning Ordinance ("SZO" or "Ordinance") to permit single-family use within the SC District.

As noted, the Property is bounded by Route 101, the Squamscott River, Wheelwright Creek and Parkman Brook and development is constrained by wetlands and associated buffers. **Exhibit A** Despite these conditions, no impacts to any wetlands or to any shoreland, tidal or wetland buffers are proposed, with the exception of impacts necessary for the proposed road to access the uplands to the rear of the Property. The lots are accessed via Stoney Brook, which contains several existing residences. It is well behind the Route 108 commercial corridor, limiting street visibility needed for commercial businesses. The Owner and its representatives met with Town of Exeter staff on multiple occasions to discuss the potential to tie into Exeter's municipal water and sewer system. Ultimately, it was determined that neither sewer nor water are feasible at this time. Accordingly, the Applicant is proposing a community water system and on-site septic<sup>2</sup> for the proposed development but has agreed to reserve an easement for the Town of Stratham for future utility service over the Property to the Town of Exeter Wastewater treatment plant located across the Squamscott River.

These conditions render any commercial development of the Property physically and economically infeasible and impractical. Available uplands exist suitable for the proposed residential

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<sup>1</sup> The architectural elevations and floor plans are provided as examples of designs used by the Applicant for a similar project. They are indented to illustrate the anticipated building design and layout; however, the final design and layout may differ and are subject to Planning Board review as well as site and construction conditions.

<sup>2</sup> Multiple shared septic systems using pretreatment technology are anticipated to be used for the project. The ultimate design has not yet been determined at this time and will be subject to Planning Board review and NHDES approval.

structures and access roads. Residential development is permitted and contemplated within the SC District, as both multifamily use and cluster developments are permitted by conditional use permit. However, for the same reasons that commercial development is impractical for the site, large multifamily buildings or larger townhouse development also do not site well within the available upland areas, and along with the absence of municipal water and sewer, the parking and other required infrastructure would result in increased impervious coverage. Consistent with that less impactful approach, Green's proposal provides fifty-nine (59) units of new housing on the Property, while preserving the existing shoreland and wetland buffers to the greatest extent possible.

### **III. RELIEF REQUIRED**

Variance from Section III, Article 3.6 (Table of Uses) to permit fifty-nine (59), free-standing single-family residential units as part of an overall condominium community development on the Property.

### **IV. VARIANCE REQUIREMENTS**

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

To determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny, the ZBA must determine whether granting the variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Section 1.2 of the Stratham Zoning Ordinance, identifies the general purposes and intent of the ordinance:

- Promote the health, safety, convenience and general welfare – The proposal provides 59 new housing units, while preserving wetlands, shoreland and buffers on the Property.
- Protect and conserve the value of property – The project will substantially increase the value of the Property and, by retaining residential use on Stoney Brook, will preserve the values of the existing residences on the roadway.
- Encourage the most appropriate use of land throughout the Town – While commercial or multifamily use is contemplated for the zone, the conditions of the Property, including lack of public water and sewer, wetlands and location of the Route 108 commercial corridor, render such development impractical. New residential housing is appropriate, needed for the area, and more consistent with the existing residences adjacent to the project area south of Route 101.

- Promote the efficiency and economy in the process of development by securing safety from fire, panic and other dangers – Each of the new proposed residential structures will be code compliant. The development will undergo a full review for traffic and other safety considerations as part of the Planning Board’s review.
- Providing adequate areas between buildings and various rights-of-way – Approximately 20 feet is proposed between each unit. The development area is located to the rear of the Property, away from Route 108.
- Preserving the character of the Town, and by promoting good civic design and arrangements – The proposed residences are consistent with the existing residential use on Stoney Brook Lane. Commercial use similar to those lots directly on Route 108 is inconsistent with the existing neighborhoods located south of Route 101 and west of Route 108.
- Wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements – The proposed development will have private water, septic, roadway and drainage infrastructure.

Given these factors, granting the requested variance will not conflict with the basic zoning objectives of the Ordinance.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The locality of the Property is largely delineated by two significant multi-lane roads, Route 101 and Route 108. While the area to the north of Route 101 and immediately adjacent to Route 108 are commercially developed, those properties closest to the proposed development area include modestly sized residential lots. The proposal places the single-family residences to the rear of the Property, providing a buffer from the Route 108 commercial uses and avoids squeezing the existing Stoney Brook residences between commercial or large multi-family uses. In fact, several residents on Stoney Brook Lane who attended the Planning Board’s preliminary review for the project indicated their relief that the Property would be developed for residential use, as it would create an extension of their existing neighborhood and would minimize impacts from truck and other traffic anticipated for commercial use. Wetlands and associated buffer impacts are significantly avoided, with the exception of those necessary to provide access. Accordingly, the proposed standalone residential buildings will not alter the essential character of the locality nor threaten the public health, safety, or welfare. Granting the variance to allow single-family residential is not contrary to the public interest and observes the spirit of the ordinance.

**3. Substantial justice will be done by granting the variances.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

“The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

Green’s proposal brings fifty-nine (59) units of needed housing to the area. The structures will be new, to code and consistent with other nearby single-family residential use. There is no harm to the public in granting the variance, in particular those nearby residential owners in favor of this proposal who would be significantly negatively impacted by the development of commercial or large multifamily structures on the Property. As noted by neighbors at the Planning Board’s preliminary review, the proposal creates a residential neighborhood for existing Stoney Brook owners who are currently isolated by the existing Route 108 commercial businesses, while reducing the environmental and traffic impacts of commercial or multi-family use. Conversely, Green will be greatly harmed by denial of the variance. Accordingly, substantial justice will be done by granting the variance.

**4. Granting the variances will not diminish surrounding property values.**

The development will provide new, thoughtfully designed, residences to the area, consistent with the other surrounding single-family residential lots. Residential use is far less impactful than commercial or multifamily use, which would be at a much higher density. Further any associated noise, will be consistent with “what is currently heard from the abutting and surrounding residences.” Exhibit D, p. 3. Likewise, any view impacts will be limited given the layout of the proposed residences on the Property. Id. at p. 4. In deed, the development of large multifamily or commercial development would



negatively impact surrounding properties given the incongruity with the existing Stoney Brook homes and given that the proposed development will “present as an extension” of those existing homes. Id. at p. 5. Accordingly, and consistent with the determination by professional appraiser Brian White, granting the requested variance will not result in the diminution in value of surrounding properties nor will it change the characteristics of the neighborhood. It “will add several attractive and modern single-family residences to the neighborhood that very well could enhance the values of the surrounding properties.” Id. at p. 6. There is no evidence that additional single-family structures will negatively impact surrounding property values. Conversely, development of commercial or large multifamily structures on the Property will be out of context with the nearby residential lots and likely create a greater impact to those properties.

**5. Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

The Property is a large 77+ acre parcel. However, it is significantly constrained by Route 101 to the north, the Squamscott River and its tributaries to the west and south along with onsite wetlands and associated buffers. Limited upland area is available for the types of uses contemplated by the SC District. While the Property is near existing commercial lots, it is separated from those lots by a major highway and existing residential neighborhood. Although municipal water and sewer is available for those nearby commercial uses, after repeated inquiries, it is not available for this project. The uses closest to the proposed development area are all developed with existing, modest single-family residences. These factors combine to create special conditions that distinguish the Property from others in the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The stated purpose of the SC District is to provide for the development of hotel, conference center, and restaurant and entertainment complexes and other larger scale mixed-use development. SZO 3.4.6. These types of uses are simply not practicable for the Property given its location near Routes 101 and 108 yet inaccessible for commercial uses, existing single-family residences and limited upland area. The permitted uses in the SC District contemplate large buildings with broad parking fields and internal drive-lanes. Access to the developable areas requires a wetland and buffer crossing, that is small under the current proposal but would need to be significantly enlarged for any commercial/retail/conference center/multi-family use. Even if there were land available for these types of structures and associated

infrastructure, the additional impervious area created would be significant and contrary to the general intent of the SZO. The impact to the existing nearby existing residential owners, who are located closest to those developable area, would likewise be significant. Residential uses are contemplated within the SC District. However, the types of large-scale structures permitted are incongruous with the limited and spread out developable areas on the Property. Multi-family use would result in additional density and requires public water and sewer, which is not available. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.


c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the SC District, just not single-family structures. However, in light of the amount and layout of uplands on the Property and proximity to existing single family homes, single-family structures are appropriate for the lot, certainly more so than the type of large buildings and associated infrastructure contemplated for the district. Accordingly, the proposed use is reasonable, and denial will result in an unnecessary hardship to the Applicant.

V. CONCLUSION

For all of the reasons stated, Green & Company Building and Development Corp. respectfully requests that the Stratham Zoning Board of Adjustment grant the requested variance.

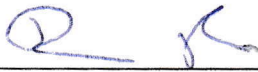
Respectfully submitted,  
**GREEN & COMPANY BUILDING AND  
DEVELOPMENT CORPORATION**

  
By: R. Timothy Phoenix  
Kevin M. Baum

## AUTHORIZATION

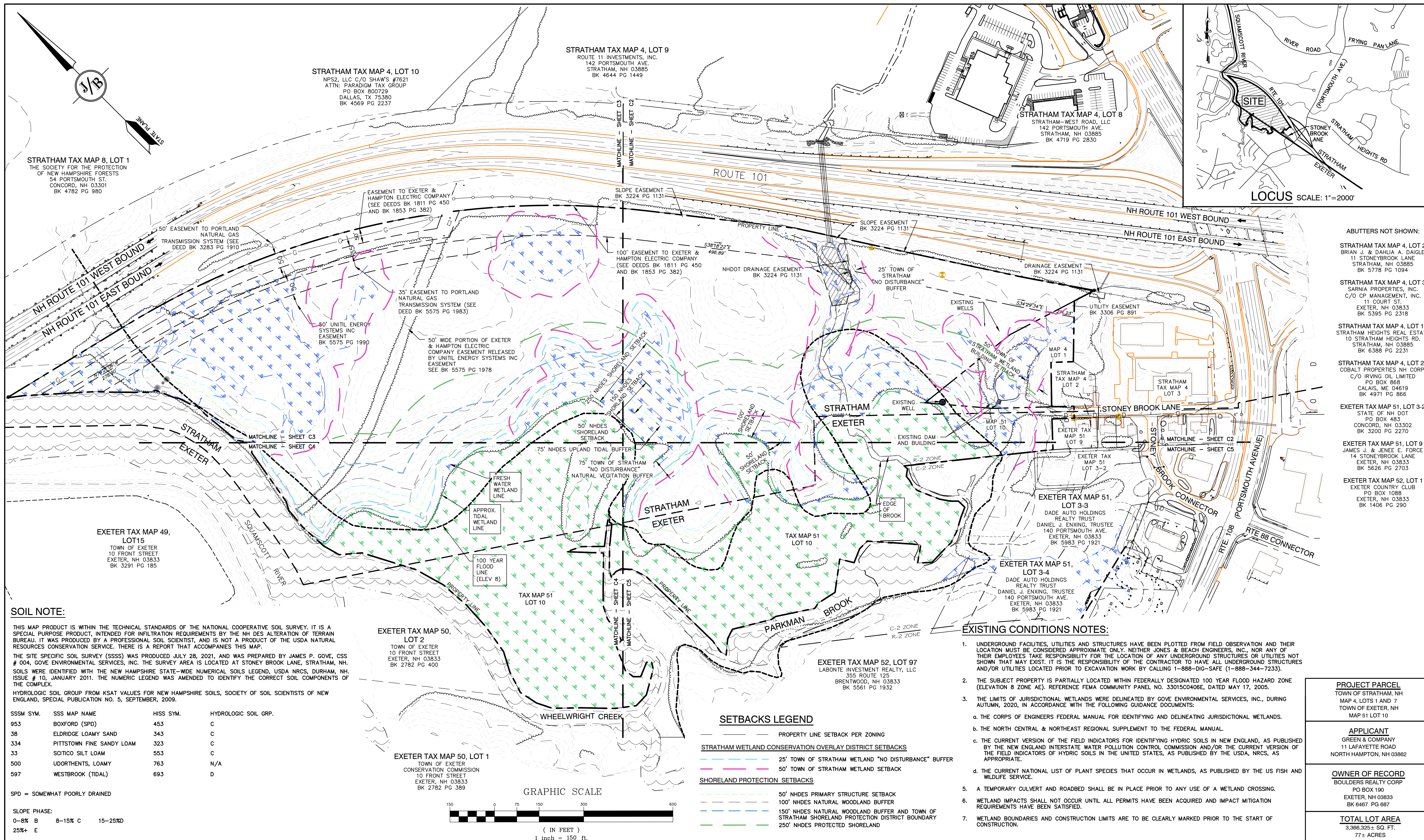
The undersigned, duly authorized representative of Boulders Realty Corp, owner of the properties located at 13 Stoneybrook Lane and 15 Stoneybrook Lane, Stratham, New Hampshire and further identified as City of Portsmouth Tax Map 4, Lots 1 and 7 (the "Property"), hereby authorize Green & Company Building and Development Corp., Hoefle, Phoenix, Gormley and Roberts, P.A., and Jones and Beach Engineers, Inc., to file documents and appear before the Stratham Zoning Board of Adjustment and Planning Board in all matters relating to applications to permit the proposed permitting of the Property.

Dated: 11/13, 2023

By:   
Name: W. Turner Porter, Jr.  
Title: President



# Exhibit A



Design: WGM	Draft: GAP	Date: 12/20/22
Checked: ISM	Scale: AS SHOWN	Project No.: 20720
Drawing Name: 20720-CONCEPT 14.DWG		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	11/14/23	ISSUED FOR REVIEW	LAZ

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave. Stratham, NH 03885

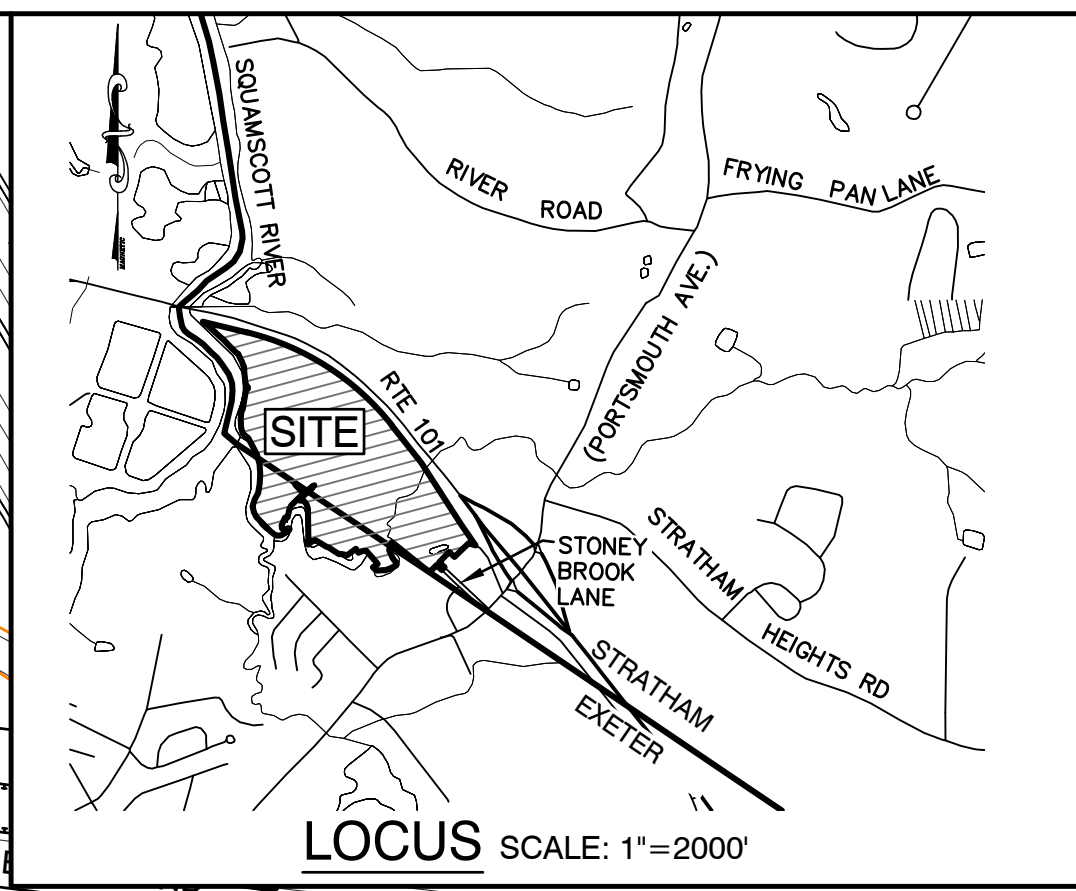
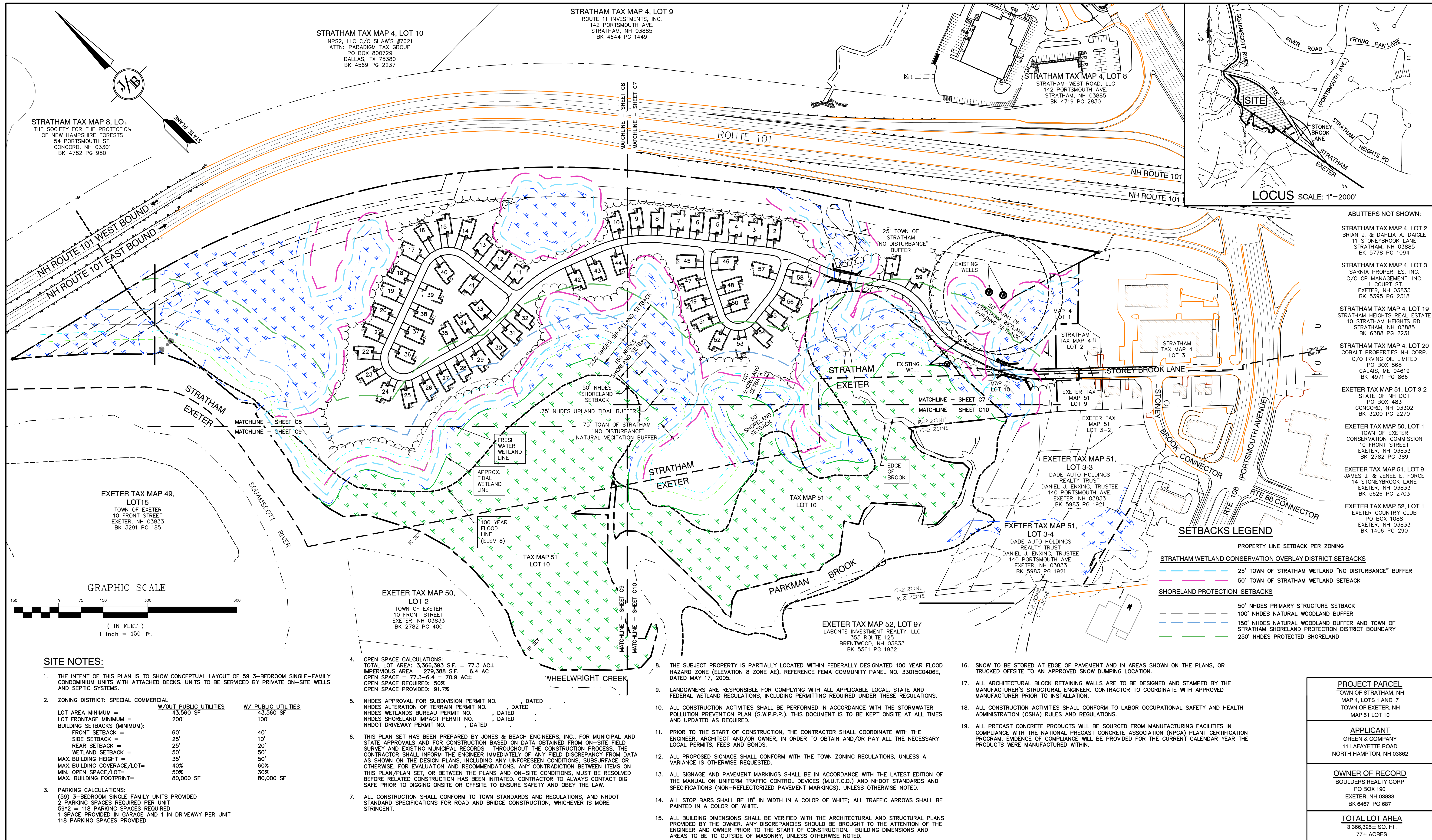
Civil Engineering Services

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

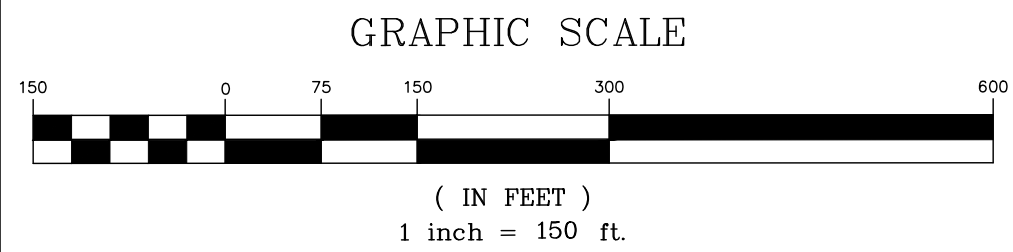
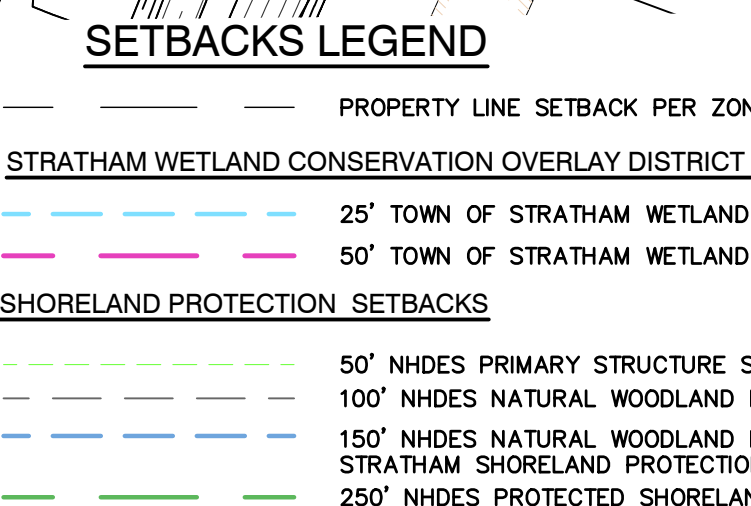
Plan Name:	<b>OVERVIEW EXISTING CONDITIONS PLAN</b>
Project:	STONEY BROOK PLACE 13 & 15 STONEY BROOK LANE, STRATHAM, NH
Owner of Record:	BOULDERS REALTY CORPORATION PO BOX 190, EXETER, NH 03833

DRAWING No.	<b>C1</b>
SHEET 2 OF 42	JBE PROJECT NO. 20720





- ABUTTERS NOT SHOWN:
- STRATHAM TAX MAP 4, LOT 2  
BRIAN J. & DAHLIA A. DAIGLE  
11 STONEYBROOK LANE  
STRATHAM, NH 03885  
BK 5778 PG 1094
  - STRATHAM TAX MAP 4, LOT 3  
SARNIA PROPERTIES, INC.  
C/O CP MANAGEMENT, INC.  
11 COURT ST.  
EXETER, NH 03833  
BK 5395 PG 2318
  - STRATHAM TAX MAP 4, LOT 19  
STRATHAM HEIGHTS REAL ESTATE  
10 STRATHAM HEIGHTS RD.  
STRATHAM, NH 03885  
BK 6388 PG 2231
  - STRATHAM TAX MAP 4, LOT 20  
COBALT PROPERTIES NH CORP.  
C/O IRVING OIL LIMITED  
PO BOX 868  
CALAIS, ME 04619  
BK 4971 PG 866
  - EXETER TAX MAP 51, LOT 3-2  
STATE OF NH DOT  
PO BOX 483  
CONCORD, NH 03302  
BK 3200 PG 2270
  - EXETER TAX MAP 50, LOT 1  
TOWN OF EXETER  
CONSERVATION COMMISSION  
10 FRONT STREET  
EXETER, NH 03833  
BK 2782 PG 389
  - EXETER TAX MAP 51, LOT 9  
JAMES J. & JENEE E. FORCE  
14 STONEYBROOK LANE  
EXETER, NH 03833  
BK 5626 PG 2703
  - EXETER TAX MAP 52, LOT 1  
EXETER COUNTRY CLUB  
PO BOX 1088  
EXETER, NH 03833  
BK 1406 PG 290



**SITE NOTES:**

- THE INTENT OF THIS PLAN IS TO SHOW CONCEPTUAL LAYOUT OF 59 3-BEDROOM SINGLE-FAMILY CONDOMINIUM UNITS WITH ATTACHED DECKS. UNITS TO BE SERVICED BY PRIVATE ON-SITE WELLS AND SEPTIC SYSTEMS.
  - ZONING DISTRICT: SPECIAL COMMERCIAL
- |                              | W/OUT PUBLIC UTILITIES | W/ PUBLIC UTILITIES |
|------------------------------|------------------------|---------------------|
| LOT AREA MINIMUM =           | 43,560 SF              | 43,560 SF           |
| LOT FRONTAGE MINIMUM =       | 200'                   | 100'                |
| BUILDING SETBACKS (MINIMUM): |                        |                     |
| FRONT SETBACK =              | 60'                    | 40'                 |
| SIDE SETBACK =               | 25'                    | 10'                 |
| REAR SETBACK =               | 25'                    | 20'                 |
| WETLAND SETBACK =            | 50'                    | 50'                 |
| MAX. BUILDING HEIGHT =       | 35'                    | 50'                 |
| MAX. BUILDING COVERAGE/LOT = | 40%                    | 60%                 |
| MIN. OPEN SPACE/LOT =        | 50%                    | 30%                 |
| MAX. BUILDING FOOTPRINT =    | 80,000 SF              | 80,000 SF           |
- PARKING CALCULATIONS:  
(59) 3-BEDROOM SINGLE FAMILY UNITS PROVIDED  
2 PARKING SPACES REQUIRED PER UNIT  
59\*2 = 118 PARKING SPACES REQUIRED  
1 SPACE PROVIDED IN GARAGE AND 1 IN DRIVEWAY PER UNIT  
118 PARKING SPACES PROVIDED.

- OPEN SPACE CALCULATIONS:  
TOTAL LOT AREA: 3,366,393 S.F. = 77.3 AC±  
IMPERVIOUS AREA = 279,388 S.F. = 6.4 AC  
OPEN SPACE = 77.3 - 6.4 = 70.9 AC±  
OPEN SPACE REQUIRED: 50%  
OPEN SPACE PROVIDED: 91.7%
- NHDES APPROVAL FOR SUBDIVISION PERMIT NO. \_\_\_\_\_, DATED \_\_\_\_\_  
NHDES ALTERATION OF TERRAIN PERMIT NO. \_\_\_\_\_, DATED \_\_\_\_\_  
NHDES WETLANDS BUREAU PERMIT NO. \_\_\_\_\_, DATED \_\_\_\_\_  
NHDES SHORELAND IMPACT PERMIT NO. \_\_\_\_\_, DATED \_\_\_\_\_  
NHDOT DRIVEWAY PERMIT NO. \_\_\_\_\_, DATED \_\_\_\_\_
- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
- ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.

- THE SUBJECT PROPERTY IS PARTIALLY LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE (ELEVATION 8 ZONE AE). REFERENCE FEMA COMMUNITY PANEL NO. 33015C0406E, DATED MAY 17, 2005.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE STORMWATER POLLUTION PREVENTION PLAN (S.W.P.P.P.). THIS DOCUMENT IS TO BE KEPT ONSITE AT ALL TIMES AND UPDATED AS REQUIRED.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
- ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
- ALL STOP BARS SHALL BE 18" IN WIDTH IN A COLOR OF WHITE; ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE.
- ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.

- SNOW TO BE STORED AT EDGE OF PAVEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
- ALL ARCHITECTURAL BLOCK RETAINING WALLS ARE TO BE DESIGNED AND STAMPED BY THE MANUFACTURER'S STRUCTURAL ENGINEER. CONTRACTOR TO COORDINATE WITH APPROVED MANUFACTURER PRIOR TO INSTALLATION.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- ALL PRECAST CONCRETE PRODUCTS WILL BE SOURCED FROM MANUFACTURING FACILITIES IN COMPLIANCE WITH THE NATIONAL PRECAST CONCRETE ASSOCIATION (NPCA) PLANT CERTIFICATION PROGRAM. EVIDENCE OF COMPLIANCE WILL BE PROVIDED FOR THE CURRENT CALENDAR YEAR THE PRODUCTS WERE MANUFACTURED WITHIN.

<b>PROJECT PARCEL</b> TOWN OF STRATHAM, NH MAP 4, LOTS 1 AND 7 TOWN OF EXETER, NH MAP 51 LOT 10
<b>APPLICANT</b> GREEN & COMPANY 11 LAFAYETTE ROAD NORTH HAMPTON, NH 03862
<b>OWNER OF RECORD</b> BOULDERS REALTY CORP PO BOX 190 EXETER, NH 03833 BK 6467 PG 687
<b>TOTAL LOT AREA</b> 3,366,325± SQ. FT. 77± ACRES

Design: WGM	Draft: GAP	Date: 12/20/22
Checked: ISM	Scale: AS SHOWN	Project No.: 20720
Drawing Name: 20720-CONCEPT 14.DWG		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	11/14/23	ISSUED FOR REVIEW	LAZ

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services

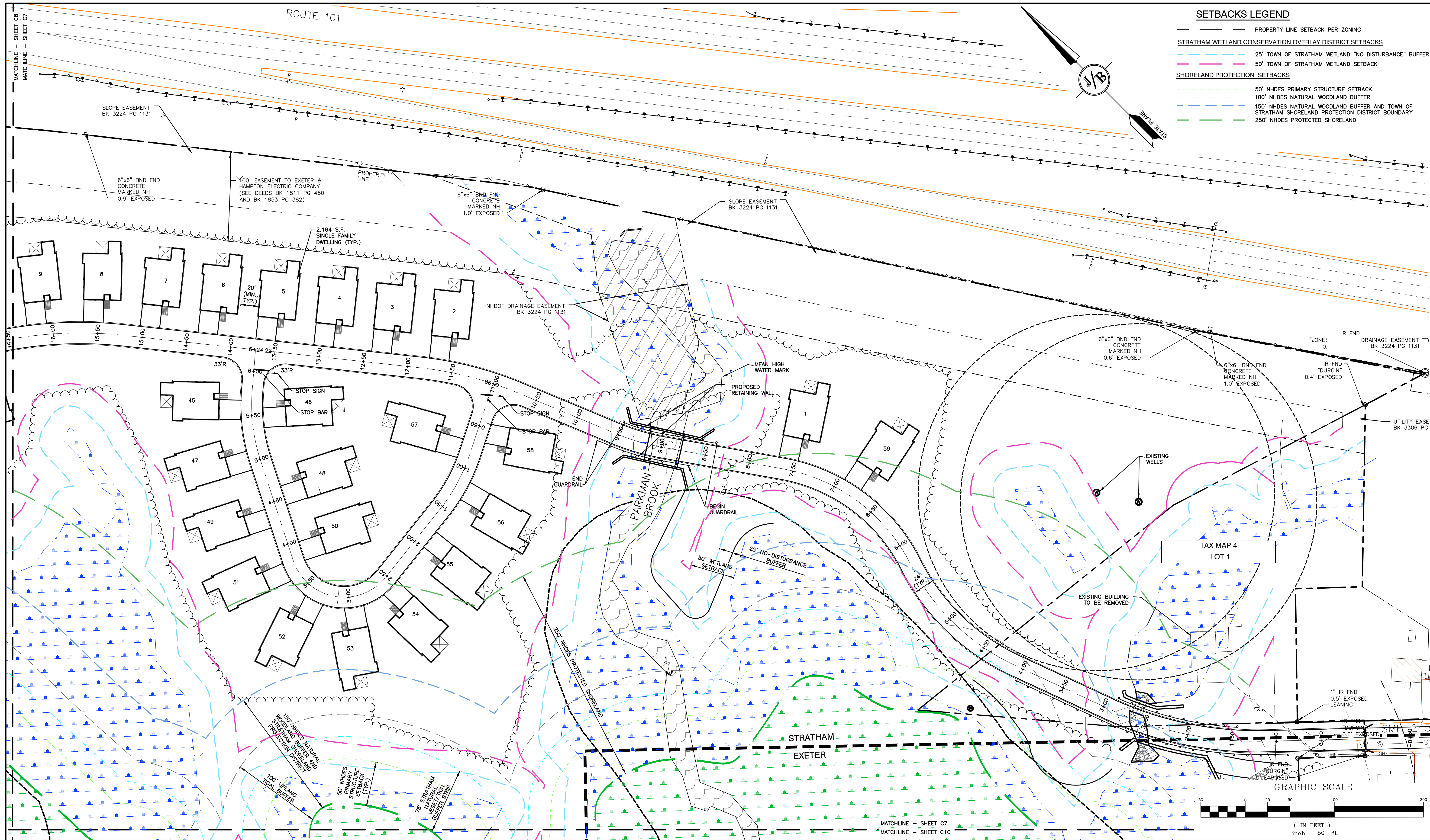
85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>OVERVIEW SITE PLAN</b>
Project:	<b>STONEY BROOK PLACE 13 &amp; 15 STONEY BROOK LANE, STRATHAM, NH</b>
Owner of Record:	<b>BOULDERS REALTY CORPORATION PO BOX 190, EXETER, NH 03833</b>

DRAWING No.	<b>C6</b>
SHEET 8 OF 42	JBE PROJECT NO. 20720





Design: WGM | Draft: GAP | Date: 12/20/22  
 Checked: ISM | Scale: AS SHOWN | Project No.: 20720  
 Drawing Name: 20720-CONCEPT 14.DWG  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	11/14/23	ISSUED FOR REVIEW	LAZ

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
 Civil Engineering Services

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885 | 603-772-4746 | FAX: 603-772-0227 | E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **SITE PLAN**  
 Project: **STONE BROOK PLACE**  
**13 & 15 STONEY BROOK LANE, STRATHAM, NH**  
 Owner of Record: **BOULDERS REALTY CORPORATION**  
 PO BOX 190, EXETER, NH 03833

DRAWING No. **C7**  
 SHEET 9 OF 42  
 JBE PROJECT NO. 20720







# Exhibit B

SQUARE FOOTAGE TABLE	
TOTALS EXCLUDE GARAGE, OPEN AREAS, 1 UNFINISHED STORAGE AREAS	
PLAN	SQ. FTG.
FIRST FLOOR	1,891
SECOND FLOOR	785
TOTAL:	2,676
OPT. BONUS RM.	351

NOTE:  
SQUARE FOOTAGE INCLUDES ALL  
WALL STRUCTURE, LIVING SPACE,  
CLOSETS, & STAIRS, HOWEVER, DOES  
NOT INCLUDE GARAGE SPACE, DECKS,  
PATIOS OR OPEN AREAS.

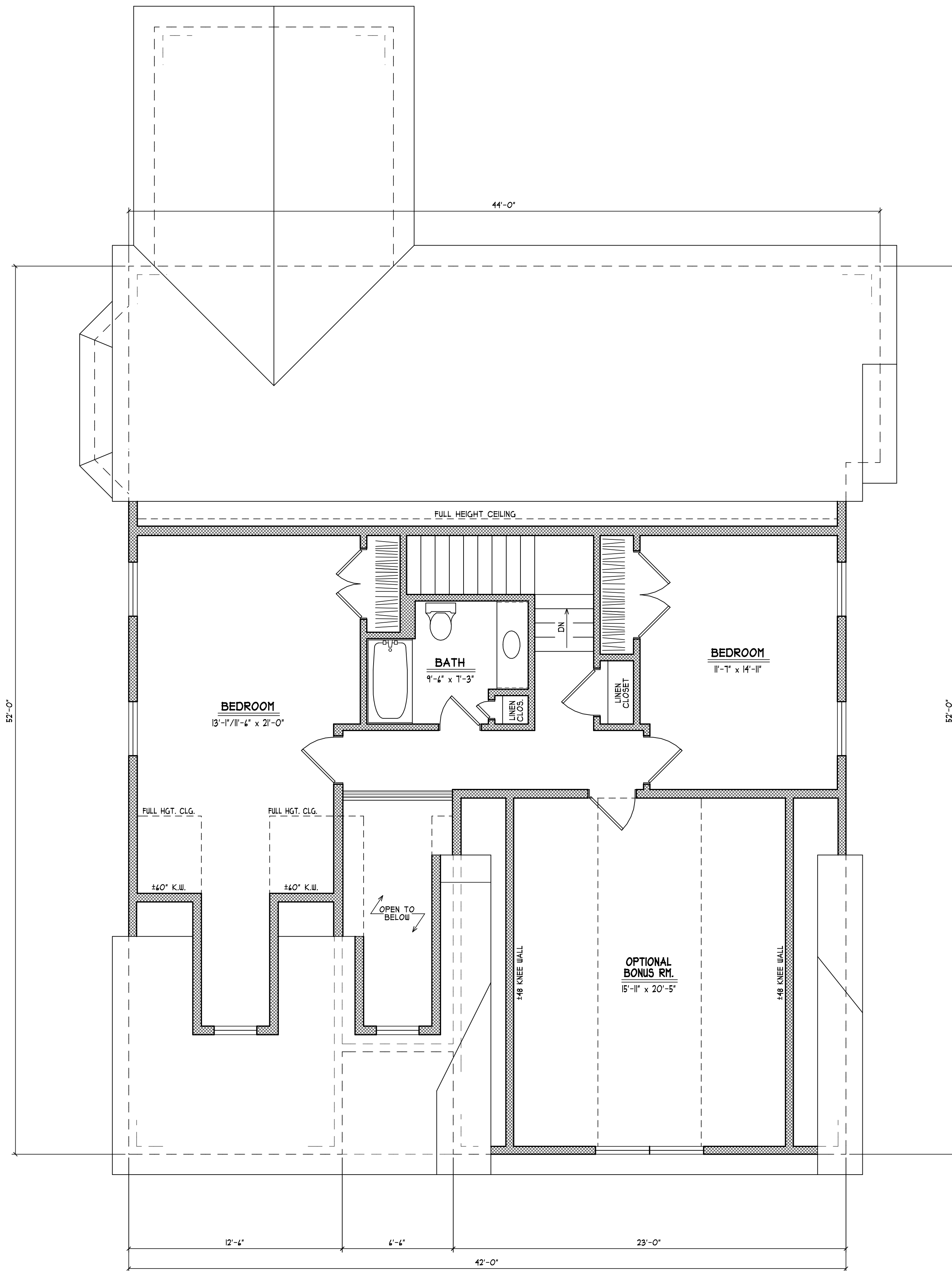


FRONT ELEVATION

SCALE: 1/4" = 1'-0"

ELEVATIONS

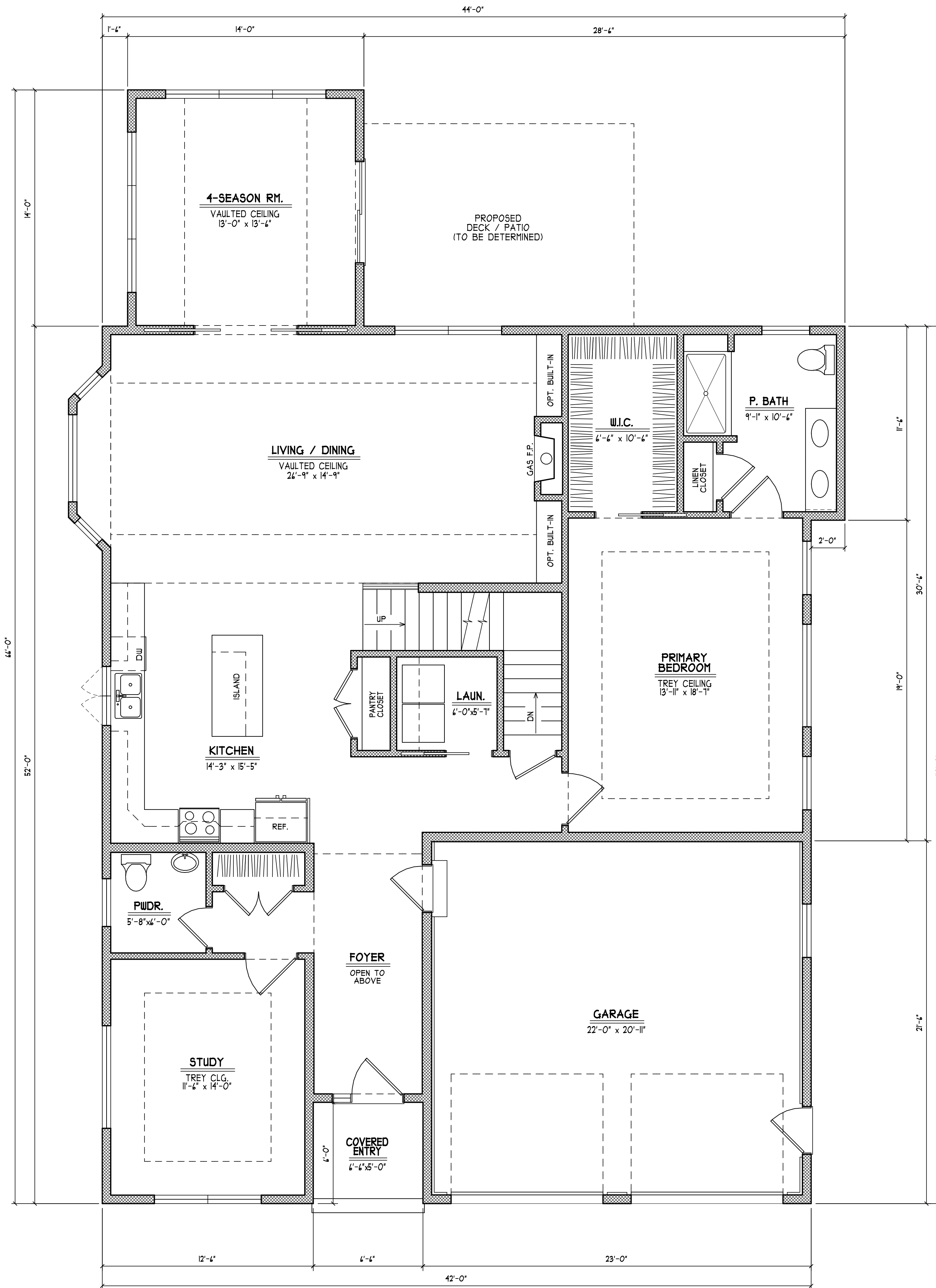




SECOND FLOOR PLAN

APPROX. 785 SQ. FT.  
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN



FIRST FLOOR PLAN

APPROX. 1,811 SQ. FT.  
SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN

# Exhibit B

SQUARE FOOTAGE TABLE	
TOTALS EXCLUDE GARAGE, OPEN AREAS, UNFINISHED STORAGE AREAS	
PLAN	SQ. FTG.
FIRST FLOOR	1701
SECOND FLOOR	449
TOTAL: 2150	
OPTIONAL 4 SEASON RM.	184

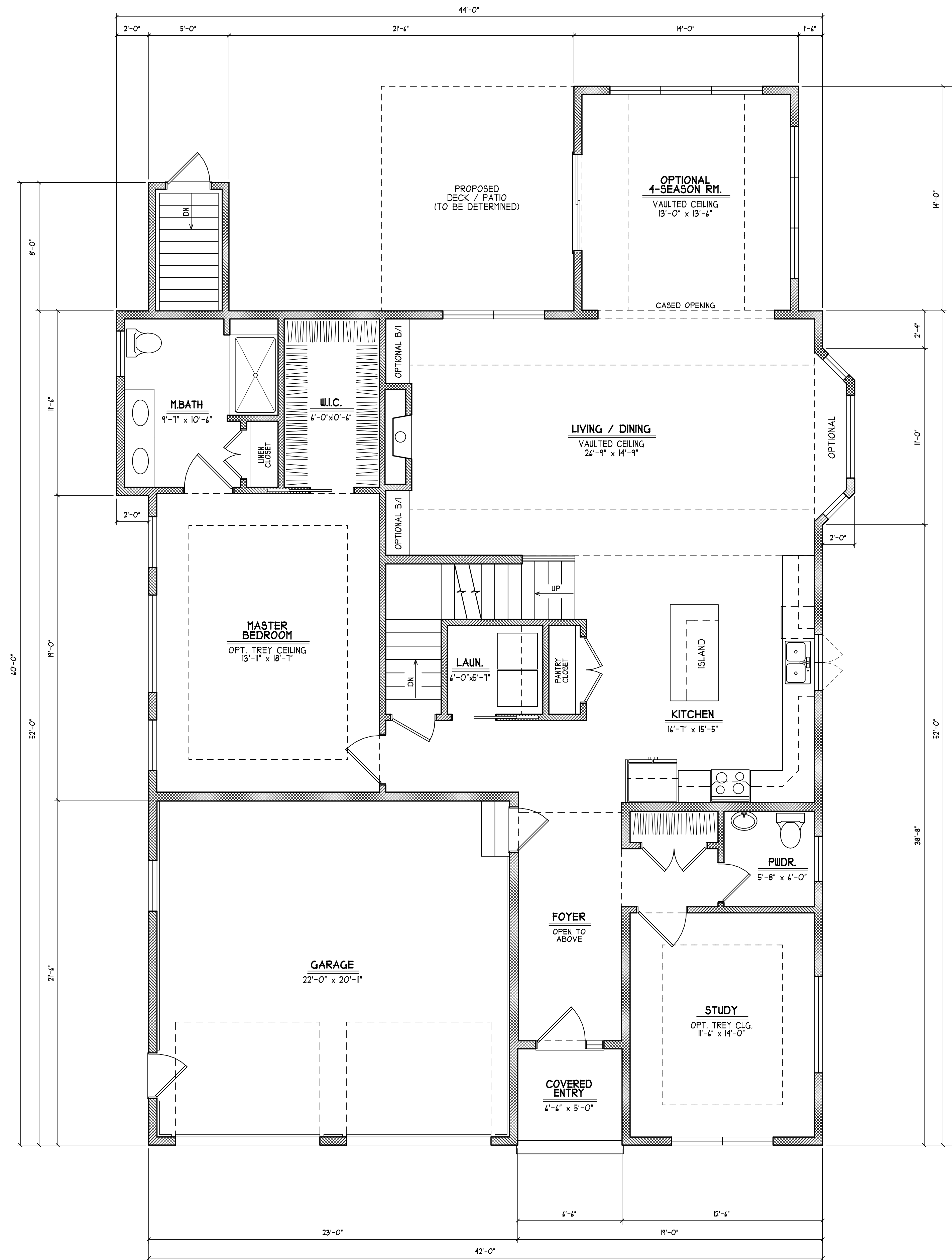
NOTE:  
SQUARE FOOTAGE INCLUDES ALL  
WALL STRUCTURE, LIVING SPACE,  
CLOSETS, & STAIRS, HOWEVER, DOES  
NOT INCLUDE GARAGE SPACE, DECKS,  
PATIO'S OR OPEN AREAS.



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

FRONT ELEVATION

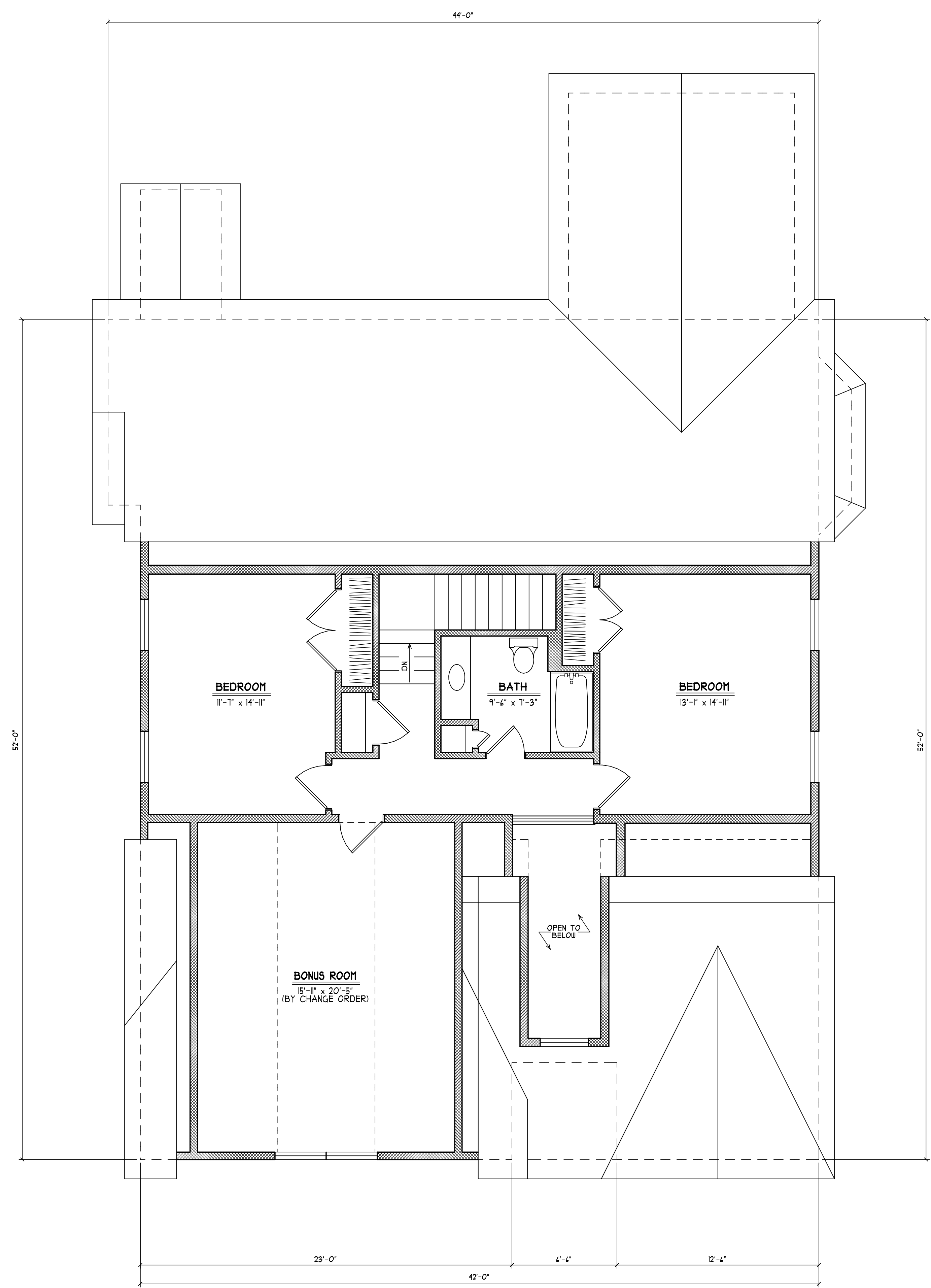


FIRST FLOOR PLAN  
 APPROX. 1,811 SQ. FT.  
 SCALE: 1/4" = 1'-0"

FIRST FLOOR PLAN

NOTE:  
 SQUARE FOOTAGE INCLUDES ALL  
 WALL STRUCTURE, LIVING SPACE,  
 CLOSETS, & STAIRS, HOWEVER, DOES  
 NOT INCLUDE GARAGE SPACE, DECKS,  
 PATIO'S OR OPEN AREAS.

NOTE:  
PLANS DESIGNED TO THE  
2015 INTERNATIONAL  
RESIDENTIAL CODE.



SECOND FLOOR PLAN

**SECOND FLOOR PLAN**  
APPROX. 449 SQ. FT.  
SCALE: 1/4" = 1'-0"

NOTE:  
SQUARE FOOTAGE INCLUDES ALL  
WALL STRUCTURE, LIVING SPACE,  
& CLOSETS, HOWEVER, DOES NOT  
INCLUDE STAIRS & OPEN SPACE.

A-3

# Exhibit B

SQUARE FOOTAGE TABLE	
TOTALS EXCLUDE GARAGE, OPEN AREAS, 1 UNFINISHED STORAGE AREAS	
PLAN	SQ. FTG.
FIRST FLOOR	1,891
SECOND FLOOR	1,221
TOTAL:	3,118

NOTE:  
SQUARE FOOTAGE INCLUDES ALL  
WALL STRUCTURE, LIVING SPACE,  
CLOSETS, & STAIRS, HOWEVER, DOES  
NOT INCLUDE GARAGE SPACE, DECKS,  
PATIO'S OR OPEN AREAS.

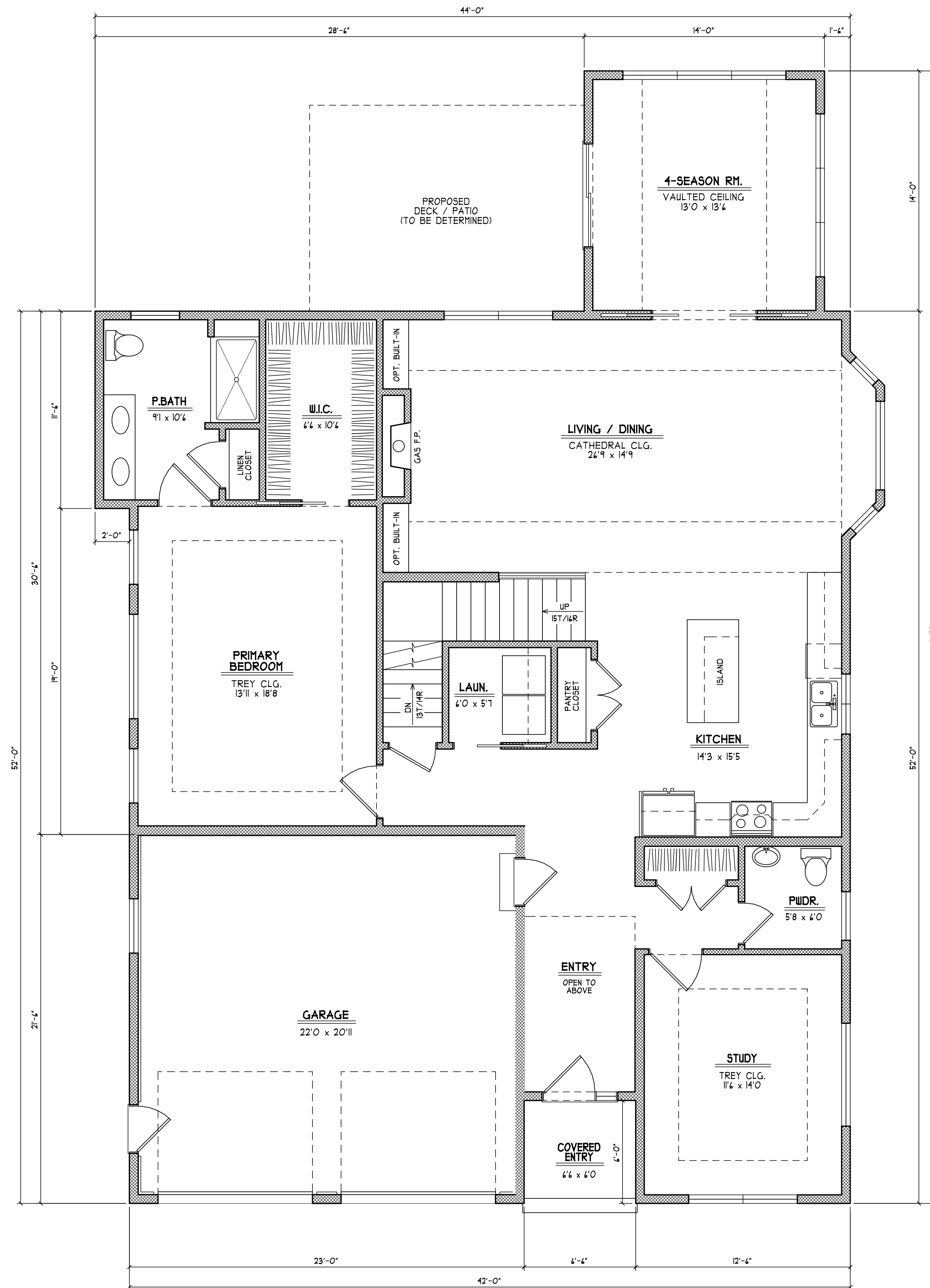


FRONT ELEVATION

SCALE: 1/4" = 1'-0"

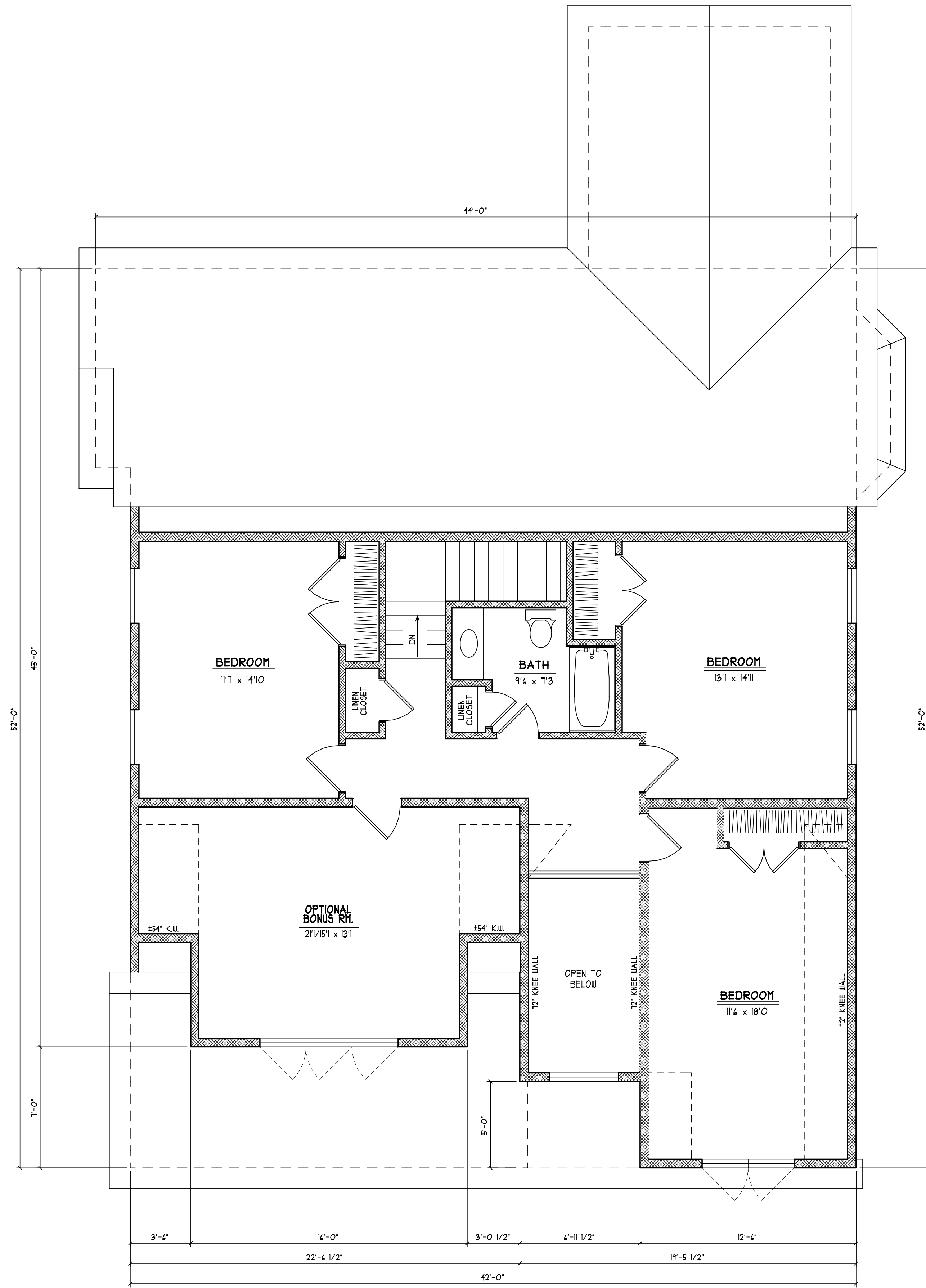
ELEVATIONS





FIRST FLOOR PLAN

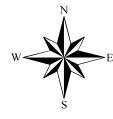
APPROX. 1,891 SQ. FT.  
SCALE: 1/4" = 1'-0"



**SECOND FLOOR PLAN**

APPROX. 958 SQ. FT.  
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN



November 13, 2023

# Map 4, Lots 1 & 7

Stratham, NH

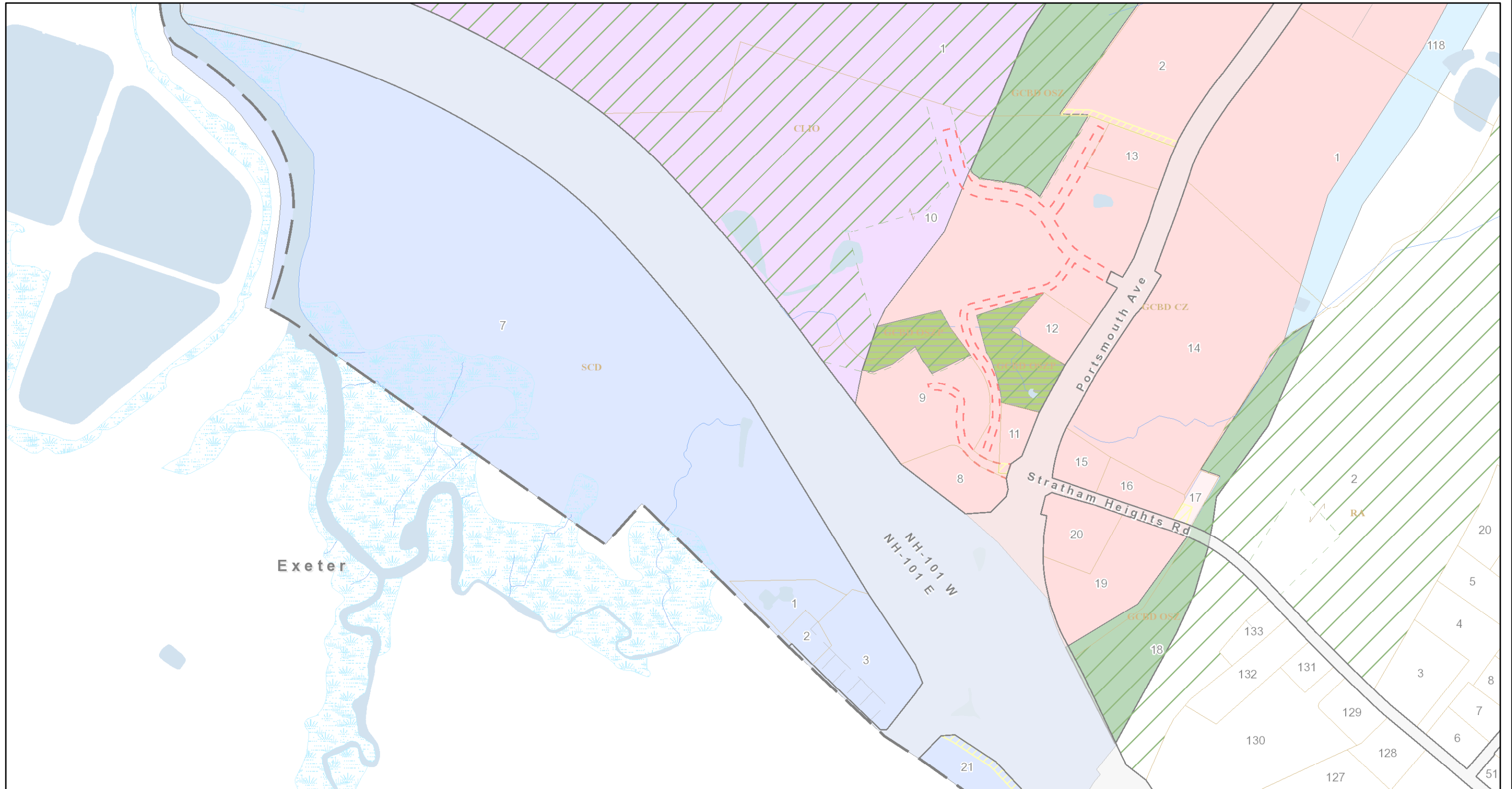
1 inch = 400 Feet



# Exhibit C



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



# Exhibit C

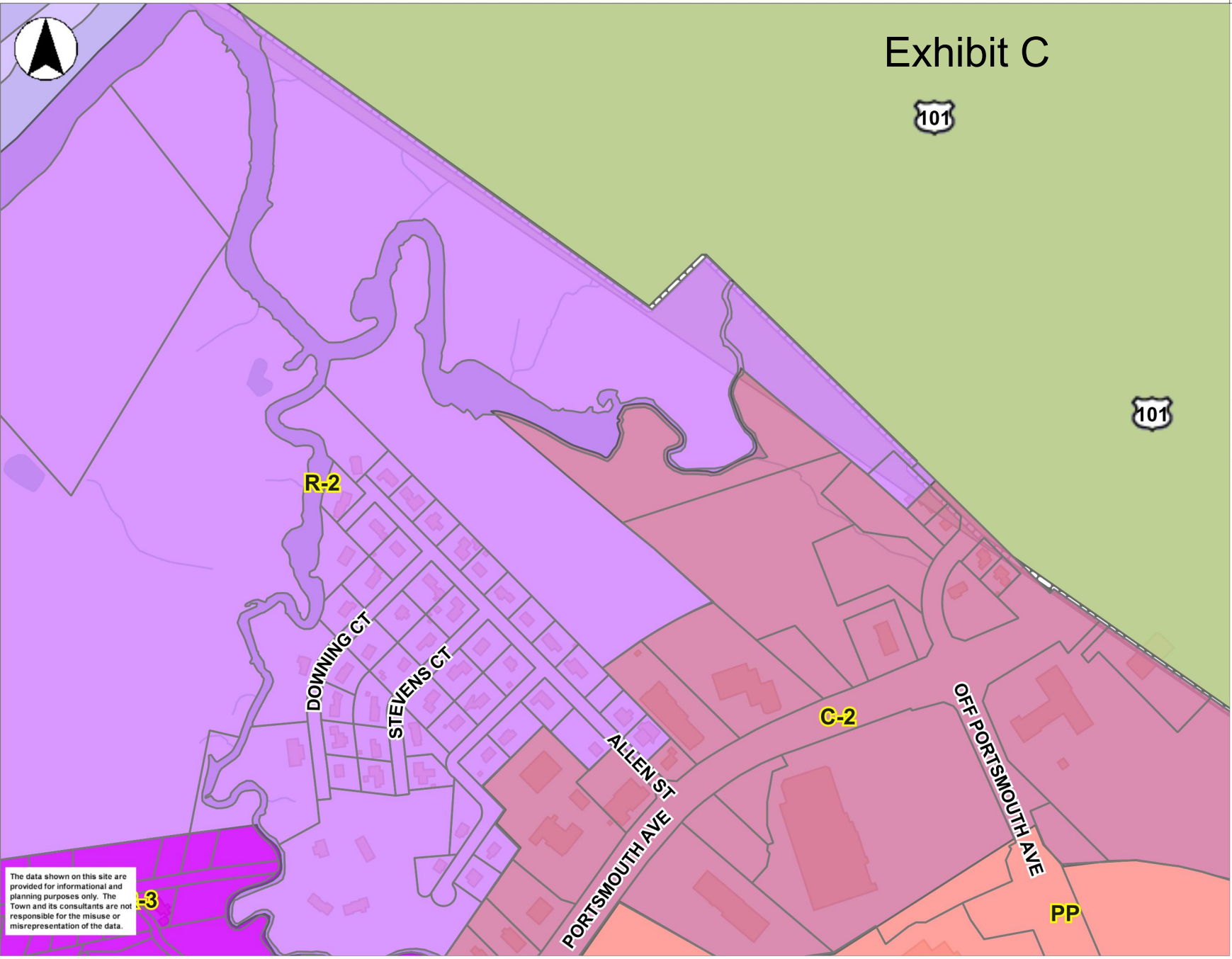


- Parcels
- Zoning
  - C-1
  - C-2
  - C-3
  - CT
  - CT-1
  - H
  - I
  - M
  - MS
  - NP
  - PP
  - R-1
  - R-2
  - R-3
  - R-4
  - R-5
  - R-6
  - RU
  - WC
- NH Highways
  - Interstate
  - US Highway
  - State Highway
- Town Boundary
- Abutting Towns
- Streets
- Misc Streams
- Parcel Streams
- Open Water
- Buildings

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 400 800 ft

Printed on 11/13/2023 at 12:01 PM





## WHITE APPRAISAL

**REAL ESTATE APPRAISING & CONSULTING**

**Brian W. White, MAI, SRA**

November 10, 2023

Timothy Phoenix, Esquire  
Hoefle, Phoenix, Gormley & Roberts, PLLC  
127 Parrott Avenue  
P.O. Box 4480  
Portsmouth, NH 03802-4480

RE: The Variance application for a 58+/- unit free-standing single-family development to be located on 13 & 15 Stoney Brook Lane in Stratham, New Hampshire.

Attorney Phoenix:

At your request, I have been asked to investigate the impact on the value of the surrounding properties for the proposed 58+/- unit free-standing single-family development to be located on 13 & 15 Stony Brook Lane (Stratham – Map 4, Lot 1 & 7 & Exeter – Map 51, Lot 10) and to prepare an analysis and opinion on the matter. I have reviewed the Stratham Zoning Ordinance that addresses the standards for the requested variance. To prepare this letter, I have completed research on the proposed subject property, the neighborhood and the Stratham marketplace. The following letter summarizes my analysis, findings and conclusions:

### **1. *The Existing Development:***

The subject property is made up of two abutting tracts of land (three tax parcels) that total 77.3-acres of land. The majority of the property and the majority of the uplands and proposed developed areas are located in Stratham in the “SC” Special Commercial district. The Exeter portion of the combined property is largely wetlands with the exception being a couple of small upland areas and approximately one-half of the proposed road area located at the end of Stoney Brook Lane. The Exeter portion of the property is zoned “R-2”. There is a stone and gravel drive area located at the end of Stoney Brook Lane that provides access to a dirt and gravel roughed-in road area. This road slopes downward to a small mostly level area that has a small pond. There is an old dilapidated camp-style building located at the edge of the pond area. This building appears to be in poor overall condition. There is also a dilapidated shed building located near the nearby water crossing. There is a water crossing area that has a metal panel road cover as part of a small dam and bridge area. The dirt and gravel road area extends a short distance as it turns in a northeastern direction providing access to a cleared area that has two recently installed wells. Beyond this point, there are a few cleared “road” areas that have recently been created in order to get machinery to several test-pit locations located on the property. These road areas are simply areas that have been utilized to access the test-pit areas and the wheels and tracks of the various vehicles that have been in the area have created a road of sorts. The terrain for the parcel has a mixture of uplands, wetlands and a couple of water crossings including the Parkman Brook which bisects the subject property in the southeastern portion of the parcel. The parcel could be



serviced with electricity, telephone, cable and internet. It is noted that given the location of the two dilapidated buildings near the water, the subject's buildings could be a hazard for children in the area. The camp building could also be an attractive shelter area for vagrants.

**2. *The Proposed Development:***

The existing dilapidated buildings located on the property would be demolished and removed from the property. Stoney Brook Lane would be extended on the property as a paved road that would provide access to several upland areas that are located in the eastern portions of the property. There are two road areas that would have a loop area. The paved road areas would provide access to each of the 58+/- free-standing single-family residences. There are several other upland areas on the property near the location of the residences that would be utilized to accommodate several shared leachfield areas to service the various residences of the development. The two existing wells would be utilized as a community water supply providing water to each of the 58+/- single-family residences. The majority of the subject's 77.3-acres would remain undeveloped. According to Michael Garrepy, a representative of the owners of the subject property, the proposed development would also likely have common walking trails and a possible canoe/kayak launch area located in the northern portion of the parcel along the Squamscott River.

Each of the single-family residences will have a front paved driveway that will provide access to a garage area. The residences will each contain two levels of finished living area with a basement area. The units will have quality interior and exterior finishes that are commensurate with other similar new construction residences located in the area. At this time, there are no detailed plans on the proposed buildings that would provide any additional information on the design or size of the free-standing single-family residences. There will be landscaped and grassed areas surrounding each of the single-family residences. Upon completion of the proposed construction, the retail prices of the proposed single-family residences will likely be at the middle or toward the upper end of the range of prices for single-family residences located in the area.

**3. *Neighborhood & Abutting Properties:***

The subject property is located in a Special Commercial district area in the southern portion of the Town of Stratham at the Stratham/Exeter town line. The subject property contains several wetland areas that are generally located adjacent to both the Squamscott River and Parkman Brook. NH Route 101 borders the subject property to the north and east. This highway is the major east-west highway in New Hampshire. The Exeter Crossing development, a multi-tenant commercial property abuts the subject property to the east. This development has Subway, Convent MD, Little Sprouts Day Care, and Lindt Chocolate among its tenants. Stoney Brook Lane is located off of the southeastern portion of the subject property. Stoney Brook Lane is developed with properties that are located in Stratham to the north and in Exeter to the south. The Stratham developed portion consists of Exeter Crossing and one single-family residence. The Exeter developed portion contains five single-family residences. All of the residences located along Stoney Brook Lane are slightly older capes, colonials and ranches that appear to be in above average to good overall condition. The full-value equalized assessed values for these homes located along Stoney Brook Lane range from approximately \$350K to \$480K. There is an access road (Stoney Brook Connector) located off of Stoney Brook Lane that provides access to a signalized intersection with Portsmouth Avenue (NH Route 108). A gasoline/convenience development and a McDonald's restaurant are located on this connector road at the

intersection with Portsmouth Avenue. The remainder of Portsmouth Avenue is largely developed with a variety of commercial developments for the properties that front on Portsmouth Avenue with residential properties dominating the development of the interior roads located off of Portsmouth Avenue. In Stratham, the area located to the north of Route 101 is zoned Gateway Commercial – Business District – Central Zone for approximately 1.5 miles along Portsmouth Avenue. This zone, which extends approximately 800’ off of Portsmouth Avenue, allows for a variety of commercial uses. The land located further off of Portsmouth Avenue is largely zoned Residential – Agricultural and this zone allows for a variety of residential and agricultural uses. The subject property is bordered by Parkman Brook and the Squamscott River to the west and northwest. These abutting areas are largely wetlands. Conservation land owned by the Town of Exeter and Exeter wastewater treatment land is located to the west and northwest of the subject property across the Squamscott River.

**4. *Factors that impact Value and the Application to the Subject Property:***

For the subject property, there are three potential factors that could directly impact the market value of the abutting properties. These factors are noise, view and use.

***Noise:***

It was previously noted that the proposed subject property will contain a single-entry road as an extension of Stoney Brook Lane that will provide access to a 58+/- unit free-standing single-family development. One residence will stand alone in the first 1/3 of the development with the remainder of the development having two loop road areas that will both be developed with several residences. All of the development will take place in the eastern portion of the parcel with the western portion of the parcel being undeveloped.

At the present time, the noises emitted from the subject property are little to none as the property is undeveloped land with a dilapidated camp and shed building located in the southern portion of the parcel near the end of Stoney Brook Lane. The subject’s proposed residential development will contain a single paved drive (ingress and egress) that will extend into the eastern portion of the parcel. The vehicle noise from the proposed development will likely be somewhat similar to the noises that are currently emitted by the 6 single-family residences currently located on Stoney Brook Lane. One difference is that the subject’s proposed development will contain 58+/- additional single-family residences so the traffic that travels on Stoney Brook Lane and the Stoney Brook Connector will increase. All of the single-family residences will be located further into the development making it unlikely that any noises from people maintaining their yards or enjoying outside activities will travel to the 6 homes located along Stoney Brook Lane or the Exeter Crossing development. Therefore, the only anticipated noise change to the surrounding properties will be limited to an increase in traffic noise. It is noted that many of the permitted uses by right (multi-family dwellings, workforce housing, hotels, motels, crop production, tree farming, veterinary hospitals, conference centers, earth removal, and light industrial uses) would likely result in similar traffic noise increases with some of these uses also increasing the noise level from the specific use on the development.

There will obviously be additional noise from the use and maintenance of the 58+/- single-family residences. However, these noises are no different than what is currently heard from the abutting and surrounding residences. The typical buyer of a property located in close proximity to the subject property would be aware of this potential. Considering all of these



factors, it is reasonable to conclude that the proposed 58+/- unit single-family development of the subject property will be configured in such a manner that there would not be an increase in the noise level that would be over and above that of many of the permitted uses in the "SC" zone.

***View:***

At the present time, the subject property can be viewed in the distance from both Stoney Brook Lane and Route 101. The subject's dilapidated structures are visible in the distance from the end of Stoney Brook Lane. The existing development of the subject property contains two poor condition structures that some would consider to be an eyesore for the above average to good condition mixed-use (residential and commercial) neighborhood of the subject property. The proposed 58+/- unit residential development will have a single paved drive located in the eastern portion of the parcel. The single-family homes will largely be located in the eastern portion of the parcel with several of them being visible from Route 101. Given the heavy tree cover located on the property, it would be very unlikely that any of the single-family homes will be able to be seen from any of the existing mixed-use developments that surround the subject property.

Stoney Brook Lane will be extended into the subject property with a new road. The two existing poor condition structures will be removed from the property. The only views that the existing residences located on Stoney Brook Lane will have are of a new paved road and an upgraded natural area located along the front pond area. The views of several nearby residential properties will change but not to the extent that any negative impact will result. It could be argued that the views of the neighboring properties will be enhanced by replacing the poor condition buildings on the property with a new road and landscaped areas. Additionally, the proposed development will contain 58+/- new free-standing single-family homes that will likely command new home prices that will likely exceed the full-value assessed values of the existing homes located along Stoney Brook Lane. If this is the case, then the subject's new single-family residences would be a positive factor for neighboring properties.

***Use:***

The subject property is proposed for use as a 58+/- unit free-standing single-family development. In the surrounding neighborhood, the Stoney Brook Lane area is developed with six single-family homes and a few commercial developments that include Exeter Crossing, McDonald's and a gasoline/convenience development. Portsmouth Avenue is developed with a variety of commercial properties with single-family residential homes being located on the interior streets. The proposed single-family development of the subject property will be in-line with that of the surrounding uses. It was previously noted that the majority of Portsmouth Avenue to the north of the subject property allows commercial uses for the first 800' off of Portsmouth Avenue with residential and agricultural uses being permitted beyond the 800' setback. For the subject's development, all of the single-family homes will be located over 800' off of Portsmouth Avenue. While single-family homes are not allowed in the "SC" zone and the 800' setback does not apply to the current zoning, it is notable that the subject's proposed single-family use conforms to the 800' set back from Portsmouth Avenue that is prevalent in the Portsmouth Avenue area of Stratham.

In the Variance application, it is pointed out that there are six existing single-family residences located along Stoney Brook Lane. These homes are located on an average lot

area of 0.27-acres. Together, these six homes utilize 1.64-acres giving them a density of 3.6 homes/acre. It is noted that these homes are serviced by municipal sewer from Exeter. The proposed development for the subject calls for developing the 77.3-acre parcel with 58+/- free-standing single-family homes (58 homes assumed for comparison purposes). This calculates into a density of 0.75 homes/acre. It is noted that the subject's development will require several shared septic systems so this is not a perfect comparison but it is reflective of what is located within the immediate neighborhood. The density for the six neighboring homes is 3.6 homes/acre which is 4.8 times greater than that for the proposed development of the subject property which is 0.75 homes/acre. In the residential marketplace, this density comparison of residential homes with sewer as compared to residential homes on septic (4.8 times) is well within the typical range.

For the abutting Exeter Crossing development, the subject's proposed 58+/- unit residential development will increase the traffic on Stoney Brook Lane which will give this development more exposure to potential patrons of the various tenants located in the plaza. The subject's proposed single-family development maximizes the upland acres of the property creating a well-designed residential development which replaces land that is currently under-utilized.

It was previously noted that single-family homes are not permitted in the "SC" district while the following uses are permitted including: multi-family dwellings, workforce housing, hotels, motels, crop production, tree farming, veterinary hospitals, conference centers, earth removal, and light industrial. Other permitted uses include: retail, commercial services, professional offices, restaurants; breweries and wineries. The Exeter Crossing development is a multi-tenant retail and office development that abuts the subject property to the south. A similar development to this would be allowed in the "SC" zone while a single-family development such as the proposed development of the subject property, which would present somewhat as an extension of the existing single-family homes currently located on Stoney Brook Lane, is not permitted in the "SC" zone. To the average person, unaware of the zoning peculiarities, this would appear to be inconsistent. Considering the fact that the subject's proposed development will present as an extension of the existing single-family homes located on Stoney Brook Lane and appear to be similar to several other residential developments located off of Portsmouth Avenue, it can reasonably be concluded that the proposed use of the subject property as a 58+/- unit free-standing single-family development is a use that will be compatible with the surrounding neighborhood.

**5. *Specific Standards – Variances:***

The owners are requesting a Variance from the following – Stratham Zoning Ordinance – Section III, Article 3.6 (Table of Uses) to permit 58+/- free-standing residential units as part of an overall condominium development on the property. I spoke with Christina Murdough, the Stratham Assessor, to get her opinion on the subject's proposed 58+/- unit free-standing single-family development and that of other recently constructed multi-unit residential developments located in the Sagamore Avenue area. She stated that she is very familiar with the Stoney Brook Lane area and the subject property. She indicated that there have not been any exactly similar comparisons located in Stratham likely due to the unique SC zoning. She indicated that she was not surprised that single-family residences were being proposed for the subject property. While she has not seen the development plan for the subject property, she stated that if a single-family residential development were to be constructed on the subject property that "there would not be any diminution of value" for the surrounding

properties. I have attempted to gather market sales data from the greater Stratham area that would speak to the specific change in use that the subject property is looking for and possible value changes in the area. In the greater Stratham area, there is no exactly similar property from which to extract paired-sales. Therefore, only general observations can be made based on my experience in the marketplace and opinions from other valuation professionals.

Over the past several years in the greater Stratham area, several new detached single-family residential developments have been constructed or are currently proposed. In general, the addition of these new detached residential developments has resulted in upgrading the overall condition of the neighborhood and therefore enhancing the overall desirability of the surrounding area. A few other Seacoast area assessors were contacted to see if their municipality had experienced the same variance request as the subject's and found none. It is concluded that the subject's SC zone is unique as is the subject's location with the zone (effectively rear acreage). It is noted that the subject's Special Commercial district is the only such zoned area located in Stratham. This SC zoned area covers the Exeter Crossing property, the single-family residence located on 11 Stoney Brook Lane and the subject property which is effectively 77.3-acres of vacant land. Given the list of permitted and conditional uses in this zone (Various commercial uses and residential uses limited to multi-family dwellings, two-family dwellings and cluster developments), this zone was intended to allow for a mixture of commercial and residential uses on the property. The appraiser spoke with Rosanne Maurice-Lentz, the Portsmouth Assessor regarding the trend for municipalities to be willing to modify their specific mixed-use zone language in order for allowing commercial uses to be located in the areas of high visibility and easy access with 100% residential uses allowed to be located on the rear acres (where commercial uses were either allowed or required to some degree). Maurice-Lentz stated that many municipalities are allowing for these purely residential uses to be permitted as part of a mixed-use development in response to the housing shortage. While the subject property is not part of the Exeter Crossing development which it abuts, it effectively is the rear acreage to this property which shares this unique SC zoning. Requiring that the subject's rear developable acreage, which is located more than 800' off of Portsmouth Avenue, contains a commercial use or limit it to several other residential uses but not detached single-family residences, would appear to be somewhat restrictive in this time of a broad-based lack of all types of residential housing.

It is my opinion that granting the requested variance for the subject property to be improved with a 58+/- unit free-standing single-family development would not result in the diminution in value of the abutting property values in the immediate vicinity of the subject property and the proposed subject property would not change the characteristics of the neighborhood. In fact, the addition of the proposed subject property will add several attractive and modern single-family residences to the neighborhood that very well could enhance the value of the surrounding properties as it will add new residential units to a location that is currently under improved for the area.

Respectively submitted,

  
\_\_\_\_\_  
Brian W. White, MAI, SRA NHC#-52

## **SCOPE OF THE APPRAISAL**

The Scope of the Appraisal is defined as “the extent of the process of collecting and reporting data”.

### **Appraisal Problem:**

The combined subject property is located on 13 & 15 Stoney Brook Lane in Stratham, New Hampshire. Together, the three tax parcels that make up the subject property contain 77.3-acres of land area. The combined subject property is located at the end of Stoney Brook Lane at the Stratham/Exeter town line. The subject property is improved with a poor condition camp building and a poor condition shed structure. The majority of the developable upland areas of the property are largely located in Stratham while the Exeter portion of the property is unusable wetlands.

The proposed development calls for assembling the two parcels (three tax parcels) of the subject property and developing the combined property with a 58+/- unit free-standing single-family development. There will be a new road installed at the end of Stoney Brook Lane that will provide access to the 58+/- residences. The surrounding properties are limited as the property abuts Route 101 to the north and east and the Squamscott River and other wetlands to the west. To the south, the neighboring property is limited to a few commercial developments and six older single-family residences.

This opinion letter will examine the marketplace to determine if there is any data that indicates that if the requested variance is granted allowing the subject’s proposed single-family development that there would be a diminution in the values of the neighboring properties. The analysis included examining market sales data along with surveying several assessors of Seacoast area cities and towns to obtain their findings from similar developments.

### **Intended Use of the Appraisal:**

The intended use of this opinion letter is to assist in determining if there would be any diminution in the values of the properties that surround the proposed subject property.

### **Intended User of the Appraisal:**

This appraisal report was prepared for the exclusive use of the Stratham Zoning Board of Adjustment and Planning Board. This report is not intended for any other use. Any use of this appraisal by any other person or entity, or any reliance or decisions based on this appraisal, are the sole risk of the third party. White Appraisal accepts no responsibility for damages suffered by any third party as a result of reliance on, decisions made, or actions taken based on this report.

### **Property Inspection:**

In this appraisal assignment the collection process began with obtaining data on the subject property. Initially, this was done by gathering recorded information on the subject property as follows:

1. A copy of the current tax assessment cards was obtained from the Town of Stratham Tax Assessor’s Office.
2. Municipal data (zoning map and zoning regulations) was gathered which addresses the current zoning of the subject property.



3. Copies of the current deeds for the subject property were obtained from the registry along with copies of any pertinent older deeds, easements, or recorded site plans. The appraiser has been provided with several site plans along with a copy of the Memorandum for the Variance Application.
4. The developable upland areas of the subject property were viewed by Brian W. White, with Michael Garrepy, representative of the property owners, on October 24, 2023.
5. The description of the subject's existing and proposed development is based on information from the Stratham Tax Assessor's Office, the provided site plans, and the appraiser's physical inspection of the subject property.
6. The appraiser has familiarized himself with the Variance Request that the Applicant is requesting in order to accommodate the proposed 58+/- unit free-standing single-family development.

#### **Data Research:**

Market data utilized in this report has been collected to support the appraiser's findings. Comparable sales have been identified by researching sales data published by various Multiple Listing Services, and the local municipality. These transactions have been studied and all pertinent data confirmed by checking the recorded deeds and/or by contacting a party directly involved in the sales transaction. Real Estate Brokers, property owners, and other individuals who are knowledgeable with the marketplace have been contacted in order to obtain additional comparable data regarding current asking prices, pending sales, or leases of similar properties. The transactions deemed most meaningful to this opinion letter have been utilized.

#### **Analyses Undertaken:**

This appraisal utilized sales of properties located in the Seacoast area that may have been impacted by their proximity to a new single-family residential development. Several local Seacoast area assessors were surveyed to obtain information on any similar studies that they may have conducted and to obtain their opinion of the matter.

#### **Reporting:**

The content of this opinion letter is prepared based on the requirements defined by Standard 2 of the Uniform Standards of Professional Appraisal Practice (2022-2023 USPAP), effective January 1, 2022, through December 31, 2023. The level of reporting is consistent with a Restricted Appraisal Report format.

# WHITE APPRAISAL

**REAL ESTATE APPRAISING & CONSULTING**



**Brian W. White, MAI, SRA**

## CERTIFICATION

I do hereby certify that, except as otherwise noted in this report:

1. the statements of fact contained in this report are true and correct;
2. the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased professional analyses, opinions and conclusions;
3. I have no present or prospective interest in the property which is the subject of this report and I have no personal interest or bias with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. my engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
7. my analysis, opinions, and conclusions, were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice;
8. Brian W. White, MAI, SRA has made a personal inspection of the property that is the subject of this report;
9. no one has provided significant real property appraisal assistance to the persons signing this certification;
10. I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment;
11. the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute;
12. the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
13. As of the date of this report, Brian W. White, MAI, SRA, has completed the continuing education program for Designated Members of the Appraisal Institute.

Respectively submitted,

  
**Brian W. White, MAI, SRA NHC#-#52**

## Qualifications of the Appraiser

Brian W. White, MAI, SRA

### ***Professional Designations:***

Member, Appraisal Institute (**MAI**) – Awarded by the Appraisal Institute. MAI #9104  
Senior Residential Appraiser (**SRA**)

### ***Employment:***

1989 to Present      White Appraisal – Dover, NH  
President – Senior Appraiser  
Owner of White Appraisal, a commercial and residential  
real estate appraisal firm. Complete appraisals on all  
types of commercial and residential properties.  
Consulting.

1988                  Finlay Appraisal Services – Portsmouth, NH  
Senior Vice President/Chief Operations Officer  
Oversaw the operation of four appraisal offices. Completed commercial  
and residential appraisals on all types of properties.

1985                  Finlay Appraisal Services – Portsmouth, NH  
and Appraisal Services Manager – South Portland, ME. Completed  
commercial and residential appraisals on all types of properties.

### ***Education:***

Mitchell College  
Associate of Arts, Liberal Studies

University of Southern Maine  
Bachelors of Science, Business Administration  
Bus 022 Real Estate Law  
Bus 023 Real Estate Practice  
Bus 025 Real Estate Valuation

American Institute of Real Estate Appraisers  
1A-1 Real Estate Appraisal Principles  
1A-2 Basic Valuation Procedures  
1B-A Cap. Theory and Technique (A)  
1B-B Cap. Theory and Technique (B)  
2-3 Standards of Pro. Practice  
2-4 Exam #7 Industrial Valuation

Society of Real Estate Appraisers  
101 Intro. To Appraising Real Property  
102 Applied Residential Property Valuation  
201 Prin. Of Income Property Appraising  
202 Applied Income Property Valuation

Recent Appraisal Institute Classes:  
Introduction to Appraising Green Buildings – 2011  
USPAP Update - 2013  
USPAP Update - 2015  
Introduction to Land Valuation - 2016  
USPAP Update- 2017

**Education** (Continued):

USPAP Update- 2019  
Business Practices & Ethics- 2021  
USPAP 2022/2023 Update- 2021

**Recent Seminars:**

Commercial Real Estate Roundtable – 2019  
Appraiser Essentials with CRS and Green Fields – 2019  
Land Development & Residential Building Costs – 2019  
Myths in Appraiser Liability – 2019  
Appraising in Uncertain Times – 2019  
Market Trends in NH Real Estate – 2020  
Appraising Commercial Properties during a Pandemic – 2020  
Defining the Appraisal Problem: Sleuthing for the Approaches to Value- 2021  
Forest Valuation- 2021  
Appraiser Essentials Paragon MLS- 2021  
Residential Building Systems- 2021  
2021-2022 NH Market Insights- 2021  
Implications for Appraisers of Conservation Easement Appraisals- 2022  
NH's Housing Market & Covid: What a Long, Strange Road It's Been!- 2022  
Current Residential & Commercial Valuation Concerns- 2022  
Commercial Real Estate Markets in Turbulent Times- 2023  
NH in a Time of Virus: Are We in Recovery? An Economist's View- 2023  
Dealing with Atypical Properties or Assignment Conditions- 2023  
15 Takeaways from Your Colleagues Legal Misfortunes- 2023

**Appointments:**

Board of Directors – New Hampshire Chapter of the Appraisal  
Institute - 1991 to 1993; 2000 to 2010 and 2015-2018  
Vice President - New Hampshire Chapter of the Appraisal Institute – 2011-2012 & 2019  
President – New Hampshire Chapter of the Appraisal Institute – 2013 & 2014

**Experience:**

Review Chairperson – New Hampshire Chapter of the Appraisal  
Institute – 1994 to 2010

**Licenses:**

N.H. Certified General Appraiser #NHCG -52, Expires 4/30/2025

**Partial List of Clients:**

**Banks:**

Androscoggin Bank  
Granite Bank  
Federal Savings Bank  
Sovereign Bank  
Eastern Bank  
Century Bank  
TD Bank  
Kennebunk Savings Bank  
Northeast Federal Credit Union  
Profile Bank  
Peoples United Bank  
Key Bank  
Optima Bank and Trust  
Provident Bank

**Attorneys:**

John Colliander  
Karyn Forbes  
Michael Donahue  
Richard Krans  
Simone Massy  
Samuel Reid  
Daniel Schwartz  
Robert Shaines  
William Shaheen  
Steve Soloman  
Gerald Giles  
Ralph Woodman  
Gayle Braley  
Fred Forman

**Others:**

City of Dover  
Town of Durham  
University of New Hampshire  
Wentworth-Douglass  
The Homemakers  
Strafford Health Alliance  
Goss International  
Chad Kageleiry  
Gary Levy  
Stan Robbins  
Daniel Philbrick  
Keith Frizzell  
Chuck Cressy  
John Proulx



# State of New Hampshire



Real Estate Appraisers Board

*Authorized as*  
Certified General Appraiser

*Issued To*  
BRIAN W WHITE

License Number: NHCG-52

Active

Issue Date: 01/01/1992

Expiration Date: 04/30/2025

# **ADDENDA**

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**PHOTOGRAPHS OF THE SUBJECT PROPERTY**



Street Scene - Front of the Subject Property  
Looking Southeast on Stoney Brook Lane - (10/23)



Street Scene - Front of the Subject Property  
Looking Northwest on Stoney Brook Lane - (10/23)



**PHOTOGRAPHS OF THE SUBJECT PROPERTY**



Subject Property – Front Stone Drive Area  
Looking Northwest showing Camp Building - (10/23)



Subject Property – Camp Building  
Looking East from Stone Drive Area - (10/23)



## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Pond & Camp Building  
Looking Southeast from Bridge Area - (10/23)



Subject Property – Shed Building  
Looking Northwest from Bridge Area – (10/23)



## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Front Gravel Drive Area  
Looking Northeast – (10/23)



Subject Property – Front Cleared Area & Well Location  
Looking East – (10/23)



## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Easement Area  
Looking Northeast – (10/23)



Subject Property – Proposed Water Crossing Area  
Looking North – (10/23)



## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Proposed Location of Southern Loop Road  
Looking Northwest – (10/23)



Subject Property – Proposed Location of Northern Loop Road  
Looking Northwest – (10/23)



## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Typical Woods “Road”  
Looking South – (10/23)



Subject Property – View of Squamscott River from Northern Loop Road  
Looking West – (10/23)



**PHOTOGRAPHS OF THE SURROUNDING PROPERTIES**



View of Abutting Residence at 11 Stoney Brook Lane  
Looking East from Stoney Brook Lane - (10/23)



View of Abutting Residence at 10, 12 & 14 Stoney Brook Lane  
Looking Southeast from Stoney Brook Lane - (10/23)

## PHOTOGRAPHS OF THE SURROUNDING PROPERTIES



View of Rear Ingress/Egress Drive to Exeter Crossing  
Looking East from Stoney Brook Lane - (10/23)



View of Exeter Crossing Main Building  
Looking West from Front Drive & Parking Area - (10/23)



# AERIAL VIEW




























**Property Card: 13 STONEYBROOK LANE**  
Town of Stratham, NH

	<p>Parcel ID: 04-001-000</p> <p>Owner: BOULDERS REALTY CORP Co-Owner: Mailing Address: PO BOX 190 EXETER, NH 03833</p>
<p><b>General Information</b></p>	<p><b>Assessed Value</b></p>
<p>Land Use: 1F RES Zone: SC SPECIAL COMM Land Area in Acres: 1.45 Current Use: N Waterfront: 0</p>	<p>Land: \$177,800 Buildings: \$50,100 Extra Features: \$2,400 Total: \$230,300</p> <p><b>Sale History</b></p> <p>Book/Page: 6467-687 Sale Date: 2/10/2023 Sale Price: 975000</p>
<p><b>Building Details</b></p>	
<p>Model Description: CAMP Gross Living Area: 1166 Year Built: 1960 Stories: 1.00 STORY FRAME</p>	<p>No. Bedrooms: 1 No. Baths: 1</p>



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10/25/2023

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Page 1 of 1

Property Information - Stratham, NH



**Property Card: 15 STONEYBROOK LANE**  
Town of Stratham, NH

<p>NO PHOTO AVAILABLE</p>	<p><b>Parcel ID:</b> 04-007-000</p> <p><b>Owner:</b> LABONTE INVESTMENT REALTY, LLC  <b>Co-Owner:</b> LLC  <b>Mailing Address:</b> C/O STRATHAM TIRE          355 ROUTE 125          BRENTWOOD, NH 03833</p>
<p><b>General Information</b></p>	<p><b>Assessed Value</b></p>
<p><b>Land Use:</b> UNMNGD HARDWD  <b>Zone:</b> SC SPECIAL COMM  <b>Land Area in Acres:</b> 61.15  <b>Current Use:</b> Y  <b>Waterfront:</b> 0</p>	<p><b>Land:</b> \$1,672  <b>Buildings:</b> \$0  <b>Extra Features:</b> \$0  <b>Total:</b> \$1,672</p> <hr/> <p style="text-align: center;"><b>Sale History</b></p> <p><b>Book/Page:</b> 5561-1932  <b>Sale Date:</b> 9/19/2014  <b>Sale Price:</b> 1135000</p>
<p><b>Building Details</b></p>	
<p><b>Model Description:</b>  <b>Gross Living Area:</b> 0  <b>Year Built:</b> 0  <b>Stories:</b></p>	<p><b>No. Bedrooms:</b> 0  <b>No. Baths:</b> 0</p>



10/25/2023

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Page 1 of 1

Property Information - Stratham, NH



ROMAN CATHOLIC	\$0	3890/2337	1N	11/02/2002
LABONTE LIONEL R	\$0	1970/0472		

**Building Information**

**Building 1 : Section 1**

Year Built:  
 Living Area: 0  
 Replacement Cost: \$0  
 Building Percent Good:  
 Replacement Cost  
 Less Depreciation: \$0

Building Attributes	
Field	Description
Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fldrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
MHP	

**Building Photo**



(<https://images.vgsi.com/photos/ExeterNHPhotos/default.jpg>)

**Building Layout**

(ParcelSketch.aspx?pid=527&blc=527)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	



Fireplaces	
Fndln Crdtn	
Basement	

**Extra Features**

<b>Extra Features</b>	<b>Legal</b>
No Data for Extra Features	

**Land**

**Land Use**

Use Code 1320  
 Description RES ACLNUD MDL-00  
 Zone R-2  
 Neighborhood 40  
 Alt Land Appr No  
 Category

**Land Line Valuation**

Size (Acres) 18  
 Frontage 0  
 Depth 0  
 Assessed Value \$26,600  
 Appraised Value \$26,600

**Outbuildings**

<b>Outbuildings</b>	<b>Legal</b>
No Data for Outbuildings	

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$0	\$26,600	\$26,6
2021	\$0	\$26,600	\$26,6
2020	\$0	\$26,600	\$26,6

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$0	\$26,600	\$26,6
2021	\$0	\$26,600	\$26,6
2020	\$0	\$26,600	\$26,6



LCHIP	ROA643012	25.00
TRANSFER TAX	RO121247	14,625.00
RECORDING		18.00
SURCHARGE		2.00

**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS that **LABONTE INVESTMENT REALTY, LLC**, a New Hampshire corporation with an address of 355 Route 125, Brentwood, New Hampshire 03833

For consideration paid, grants to **BOULDERS REALTY CORP.**, a New Hampshire corporation with an address of PO Box 190, Exeter, New Hampshire

With Warranty covenants, the following described premises:

A certain tract or parcel of land with the buildings thereon, located in the towns of Exeter and Stratham, Rockingham County, New Hampshire, being Exeter Tax Map 51, Lot 10, Stratham Tax Map 4, Lot 7 and Stratham Tax Map 4 Lot 1, being shown on a plan entitled "Plan of Land Stratham & Exeter N.H. for Lionel R. Labonte", prepared by Durgin-Schofield Associates, dated Dec. 1987, and recorded in the Rockingham County Registry of Deeds as Plan D-18051 ("Plan"), and further bounded and described as follows:

1. Beginning at a point shown on said plan at the northwest corner of the herein described premises at the intersection of the "approximate mean high water line" of the Squamscott River and the Exeter/Hampton Expressway;
2. S 75 ° 50' 38" E 474.74 feet to a New Hampshire Highway Bound found;
3. Easterly around a curve the radius of which is 2744.90 feet along a highway fence to a New Hampshire Highway Bound found;
4. S 37 ° 49' 11" E 1128.68 feet to a New Hampshire Highway Bound found;
5. S 12 ° 42' 15" E 165.38 feet to a New Hampshire Highway Bound found;
6. S 37 ° 49' 11" E 276.33 feet to an iron pin found;
7. N 72 ° 13' 41" W 0.42 feet to an iron pin found;
8. N 72 ° 13' 41" W 113.66 feet to an iron rod set;
9. S 46 ° 26' 13" W 204.58 feet to an iron rod found;

10. N 46 ° 11' 31" W 75 feet to an iron rod found;
11. S 44 ° 39' 51" W 150 feet to an iron rod found;
12. S 46 ° 13' 15" E 75 feet along the east side of Stoney Brook Lane (a/k/a Stoneybrook Lane) to an iron rod set;
13. S 43 ° 46' 45" W across said Stoney Brook Lane (a/k/a Stoneybrook Lane) 40 feet to an iron rod set;
14. N 46 ° 13' 15" W 75 feet along the west side of Stoney Brook Lane (a/k/a Stoneybrook Lane) to an iron rod set;
15. S 43 ° 46' 45" W 103.35 feet to an iron rod set;
16. N 50 ° 43' 33" W 483.94 feet to an iron rod set;
17. S 69 ° 19' 03" W 217.90 feet to a point at the approximate mean high water line of Wheelwright Creek shown on said Plan;
18. Along the approximate mean high water line of Wheelwright Creek and the Squamscott River in a generally westerly and northerly direction as shown on said Plan to the point of beginning.

For title, see deeds of Julia S. Scammon to Lionel R. Labonte and Greta Labonte as joint tenants dated June 30, 1967 recorded in the Rockingham County Registry of Deeds at Book 1870, Page 364; Edward L. Laviolette and Marguerite F. Laviolette to Lionel R. Labonte dated October 9, 1986 recorded in the Rockingham County Registry of Deeds at Book 2636, Page 566; and Edward L. Laviolette and Marguerite F. Laviolette to Lionel R. Labonte and Greta Labonte as joint tenants dated June 17, 1969 recorded in the Rockingham County Registry of Deeds at Book 1970, Page 472. Greta Labonte died October 17, 1997. See Death Certificate recorded in the Rockingham County Registry of Deeds at Book 3258, Page 202.

See also deed from Lionel R. Labonte to the Roman Catholic Bishop of Manchester dated November 2, 2002 and recorded in Book 3890, Page 2337, as affected by Affidavit of Lionel R. Labonte recorded in Book 5435, Page 612 and Affidavit of The Roman Catholic Bishop of Manchester and St. Michael Parish recorded in Bok 5435, Page 609.

Subject to all easements and matters of record as shown on the Plan and specifically subject to a lien for current use recorded at Book 5147, Page 0534.

Being the same premises described in the deed from Lionel R. Labonte to Labonte Investment Realty, LLC dated September 3, 2014 and recorded in the Rockingham County Registry of Deeds at Book 5561, Page 1932.

The real estate is being conveyed subject to a lien for the current use change tax which shall be the responsibility of the grantee.



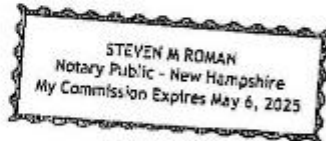
Signed this 27 day of January, 2023.

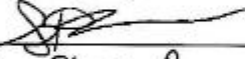
LABONTE INVESTMENT REALTY, LLC

By:   
Its Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

On this the 27 day of January, 2023, before me personally appeared the above named Virginia Russell, duly authorized Manager of Labonte Investment Realty, LLC, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged the same to be his/her free and voluntary act for the purposes contained therein on behalf of the limited liability company.



  
Notary Public  
Name: Steve Roman  
My Commission Expires: 5.6.2025

(7)

Return to:  
SM/197922  
~~McLane, Graf, Raulerson & Middleton~~  
~~900 Elm Street, P.O. Box 326~~  
~~Manchester, NH 03105-0326~~



035664

2014 SEP 19 AM 11:30

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

**WARRANTY DEED**

**LIONEL R. LABONTE**, a single person, with a mailing address of 355 Route 125, Brentwood, NH 03833, for consideration paid, **GRANTS** to **LABONTE INVESTMENT REALTY, LLC**, a New Hampshire limited liability company, with a mailing address of 355 Route 125, Brentwood, NH 03833, with **WARRANTY COVENANTS**, the following property more particularly described as follows:

A certain tract or parcel of land with the buildings thereon, located in the towns of Exeter and Stratham, Rockingham County, New Hampshire, being shown on Plan D-18051 recorded in Rockingham County Registry of Deeds, entitled "Plan of Land Stratham & Exeter N.H. for Lionel R. Labonte," prepared by Durgin-Schofield Associates, dated Dec. 1987, and further bounded and described as follows:

1. Beginning at a point shown on said plan at the northwest corner of the herein described premises at the intersection of the "approximate mean high water line" of the Squamscott River and the Exeter/Hampton Expressway;
2. S 75° 50' 38" E 474.74 feet to a New Hampshire Highway Bound found;
3. Easterly around a curve the radius of which is 2744.90 feet along a highway fence to a New Hampshire Highway Bound found;
4. S 37° 49' 11" E 1,128.68 feet to a New Hampshire Highway Bound found;
5. S 12° 42' 15" E 165.38 feet to a New Hampshire Highway Bound found;
6. S 37° 49' 11" E 276.33 feet to an iron pin found,
7. N 72° 13' 41" W 0.42 feet to an iron pin found;

8. N 72° 13' 41" W 113.66 feet to an iron rod set;
9. S 46° 26' 13" W 204.58 feet to an iron rod found;
10. N 46° 11' 31" W 75.00 feet to an iron rod found;
11. S 44° 39' 51" W 150 feet to an iron rod found;
12. S 46° 13' 15" E 75.00 feet along the east side of Stoney Brook Lane to an iron rod set;
13. S 43° 46' 45" W across said Stoney Brook Lane 40.00 feet to an iron rod set;
14. N 46° 13' 15" W 75 feet along the west side of Stoney Brook Lane to an iron rod set;
15. S 43° 46' 45" W 103.35 feet to an iron rod set;
16. N 50° 43' 33" W 483.94 feet to an iron rod set;
17. S 69° 19' 03" W 217.90 feet to a point at the approximate mean high water line of Wheelwright Creek shown on said plan;
18. Along the approximate mean high water line of Wheelwright Creek and the Squamscott River in a generally westerly and northerly direction as shown on said plan to the point of beginning.

For title, see deeds of Julia S. Scammon to Lionel R. Labonte and Greta Labonte as joint tenants dated June 30, 1967 recorded in the Rockingham County Registry of Deeds at Book 1870, Page 364; Edward L. Laviolette and Marguerite F. Laviolette to Lionel R. Labonte dated October 9, 1986 recorded in the Rockingham County Registry of Deeds at Book 2636, Page 566; and Edward L. Laviolette and Marguerite F. Laviolette to Lionel R. Labonte and Greta Labonte as joint tenants dated June 17, 1969 recorded in the Rockingham County Registry of Deeds at Book 1970, Page 472. Greta Labonte died October 17, 1997. See Death certificate recorded in the Rockingham County Registry of Deeds at Book 3258, Page 202.

See also deed from Lionel R. Labonte to the Roman Catholic Bishop of Manchester dated November 2, 2002 and recorded in Book 3890, Page 2337, as affected by Affidavit of Lionel R. Labonte recorded in Book 5435, Page 612 and Affidavit of The Roman Catholic Bishop of Manchester and St. Michael Parish recorded in Book 5435, Page 609.

This deed was prepared from information supplied by the within Grantor, and no independent title examination has been performed.

This is not the homestead property of any person.

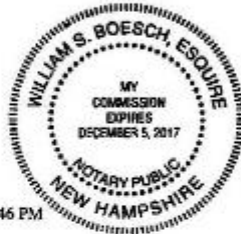


Dated this 3rd day of Sept., 2014.

Lionel R. Labonte  
Lionel R. Labonte

STATE OF NEW HAMPSHIRE  
COUNTY OF Rockingham

The foregoing instrument was acknowledged before me this 3rd day of Sept., 2014 by Lionel R. Labonte.



William S. Boesch  
Justice of the Peace/Notary Public  
Print Name:  
My Commission Expires:  
[seal]

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August 5, 2014 3:22:46 PM

EX 3224 1131

NOTICE OF CONDEMNATION

THE STATE OF NEW HAMPSHIRE, BY THE DEPARTMENT OF TRANSPORTATION HAS  
ON JUL 1 1997 FILED WITH THE NEW HAMPSHIRE BOARD OF TAX AND LAND  
APPEALS, A DECLARATION OF TAKING OF THE FOLLOWING PROPERTY IN THE TOWN OF  
STRATHAM, OWNED BY:

LIONEL R. LABONTE  
GRETA E. LABONTE

SAID PREMISES BEING LOCATED ON THE SOUTHWESTERLY SIDE OF ROUTE 101, AS  
NOW TRAVELLED, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS.

Parcel #186

Fee Taking:

Taking in fee simple all that property beginning at a point in the Southwesterly Limited Access  
Right-of-Way of Route 101, as now travelled, and point also being in the division line between land of  
Lionel R. and Greta E. Labonte and land now or formerly of J.H. Realty Trust, thence Southwesterly with  
said division line to a point on a course that connects a point one hundred seventy-five (175.00') feet  
Southwesterly of Portsmouth Avenue Construction Center Line Station 276 + 40.00 and a point eighty  
(80.00') feet Southwesterly of and directly opposite Route 101 East Bound Off Ramp Construction Center  
Line Station 305 + 50.00 as shown on a plan of Stratham-Exeter STP-NHS-F-T-012-2(59), 10421 on file  
in the records of the New Hampshire Department of Transportation and to be recorded in the Rockingham  
County Registry of Deeds, thence Northwesterly to the 1st named point, thence Northwesterly to a point  
in the Southwesterly Limited Access Right-of-Way of Route 101, as now travelled on a course that passes  
through a point fifty (50.00') feet Southwesterly of and directly opposite Station 298 + 00.00, thence  
Southwesterly, Southerly, and Southeasterly with said Limited Access Right-of-Way to the point of  
beginning.

Also taking with the above-described land all rights of access, light, air and view over, from and  
to the same from the remainder of abutting lands to the new highway.

JUL 3 1 52 PM '97 0031549

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

0322401132

Containing sixty-four hundredths (0.64) of an acre, more or less.

Slope Easement.

Taking the permanent right and easement to construct and maintain slopes and embankments beyond the limits of the fee taking at such an angle as will hold the highway and the material in the slopes in repose against ordinary erosion in the areas shown on "EXHIBIT A" and the above-referenced plan.

Containing eighteen thousand three hundred fifty (18,350) square feet, more or less.

Drainage Easement 1.

Taking the permanent right and easement to construct, reconstruct, maintain, repair and operate ditches, culverts, pipes, catch basins or other facilities for drainage purposes over, under or through certain land abutting or near Route 101 East Bound Off Ramp Construction Center Line Station 298 + 00.00 in the area shown on "EXHIBIT A" and on the above-referenced plan.

Containing twenty-three thousand nine hundred (23,900) square feet, more or less.

Drainage Easement 2.

Taking the permanent right and easement to construct, reconstruct, maintain, repair and operate ditches, culverts, pipes, catch basins or other facilities for drainage purposes over, under or through certain land abutting or near Route 101 East Bound Off Ramp Construction Center Line Station 304 + 25.00 in the area shown on "EXHIBIT A" and on the above-referenced plan.

Containing one thousand (1,000) square feet, more or less.

Drainage Easements containing in all twenty-four thousand nine hundred (24,900) square feet, more or less.

Utility Easement.

Taking the permanent right and easement to construct, reconstruct, maintain and repair pipes, conduits, cables, wires, poles, basins, manholes or other facilities for utility purposes, over, under or through certain lands abutting or near, Route 101, East Bound Off Ramp Construction Center Line Station 303 + 00, as shown on "EXHIBIT A" and the above-referenced plan.

Containing ninety-six thousand five hundred ninety-three (96,593) square feet, more or less.



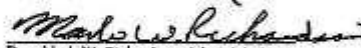
BK 3224 56 | 133

Containing in all sixty-four hundredths (0.64) of an acre, more or less, a slope easement of eighteen thousand three hundred fifty (18,350) square feet, more or less, drainage easements of twenty-four thousand nine hundred (24,900) square feet, more or less, and a utility easement of ninety-six thousand five hundred ninety-three (96,593) square feet, more or less.

Mentioning and intending to describe a portion of that property described in a document recorded August 1, 1967 in the Rockingham County Registry of Deeds, Book 1870, Page 364 and a document recorded June 19, 1969 in the Rockingham County Registry of Deeds, Book 1970, Page 472 and a document recorded January 9, 1987 in the Rockingham County Registry of Deeds, Book 2655, Page 1931.

THE STATE OF NEW HAMPSHIRE

Commission of Three Persons



By: Mark W. Richardson, Administrator  
Bureau of Right-of-Way  
Department of Transportation  
John O. Morton Building  
1 Hazen Drive, PO Box 483  
Concord, NH 03302-0483

JUL 1 1997

(Date)

Attorney for the State of New Hampshire

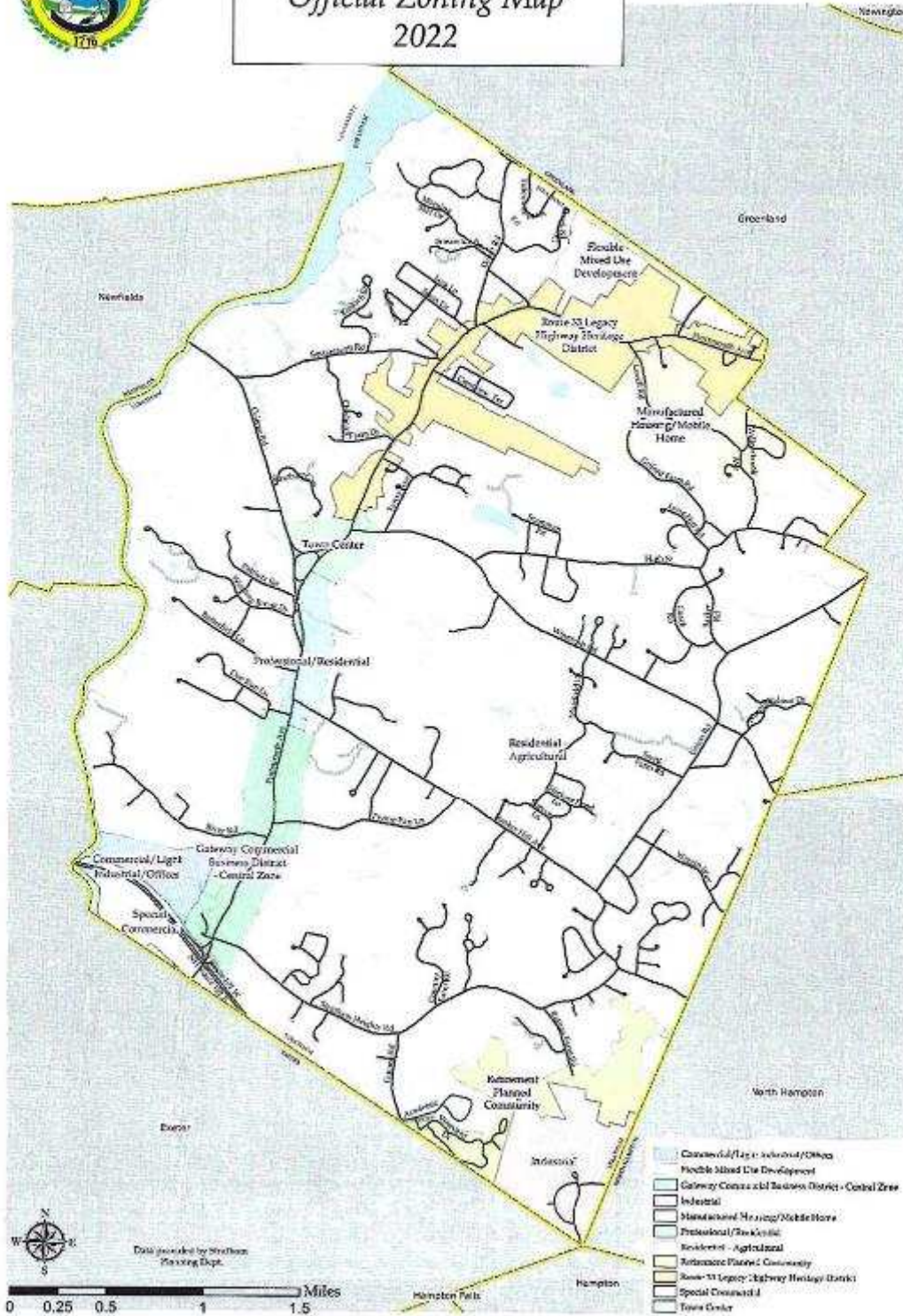
Department of Justice  
Attorney General Philip T. McLaughlin  
33 Capitol Street  
Concord, NH 03301



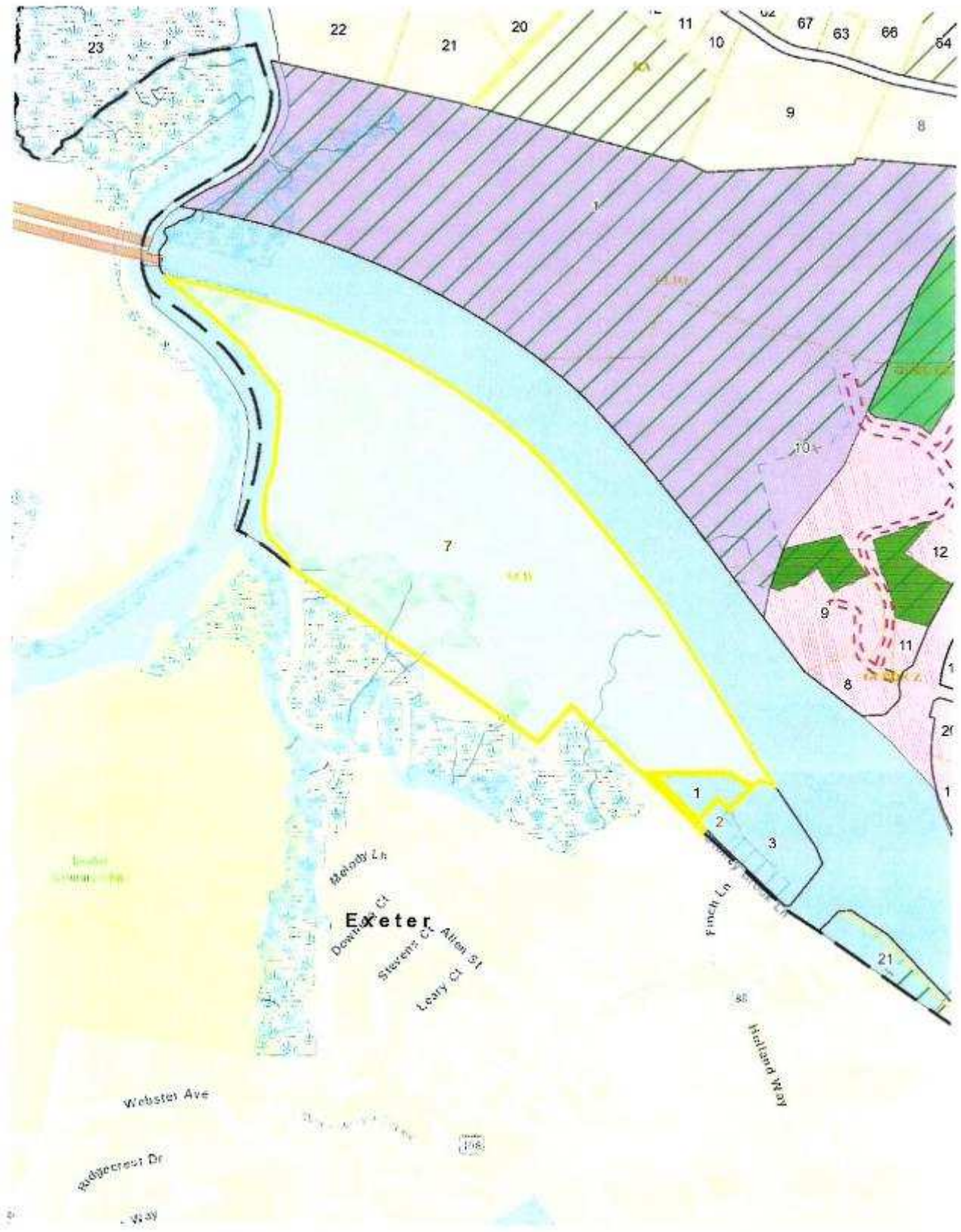
Karen A. Levchuk  
Senior Assistant Attorney General



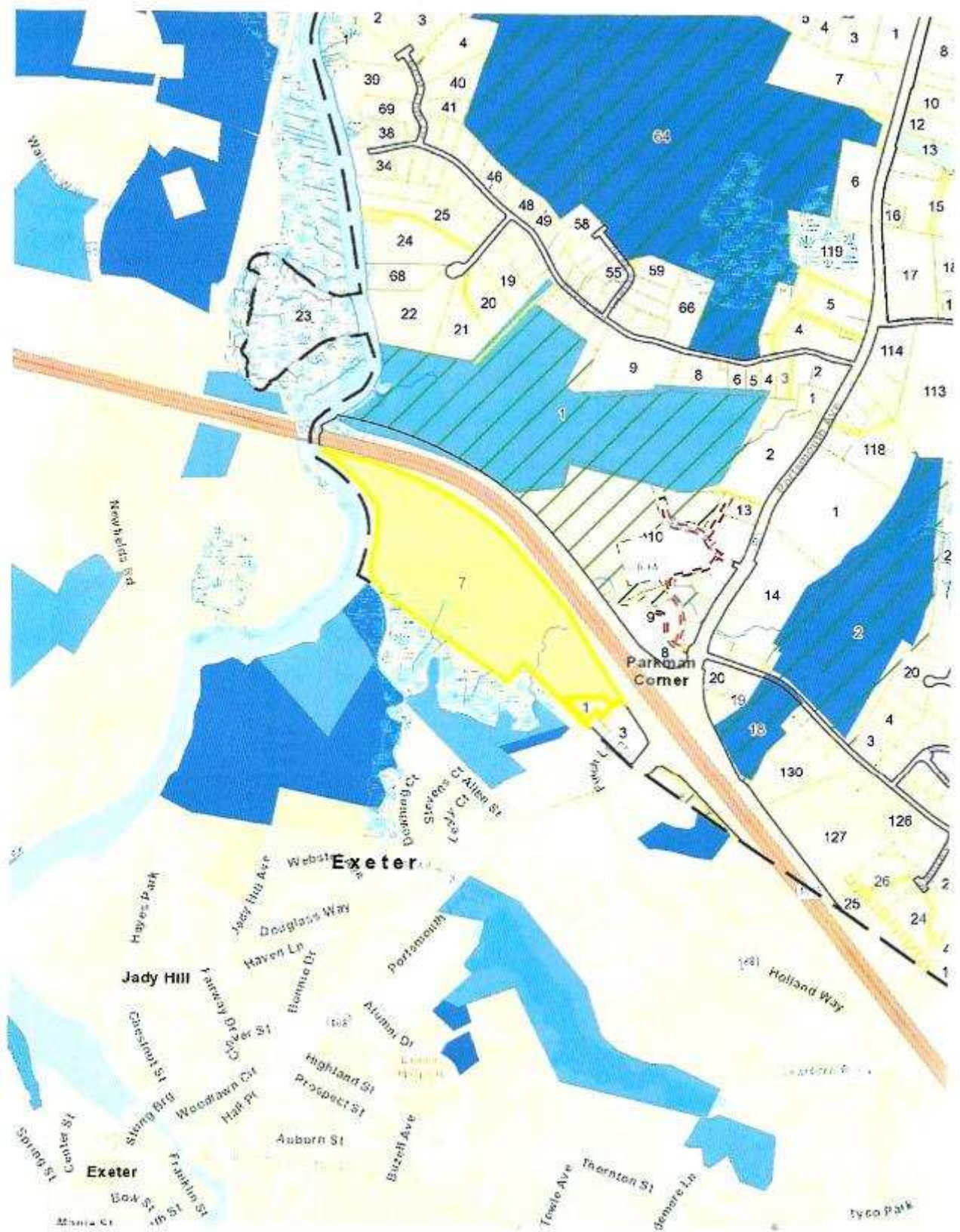
# Town of Stratham Official Zoning Map 2022







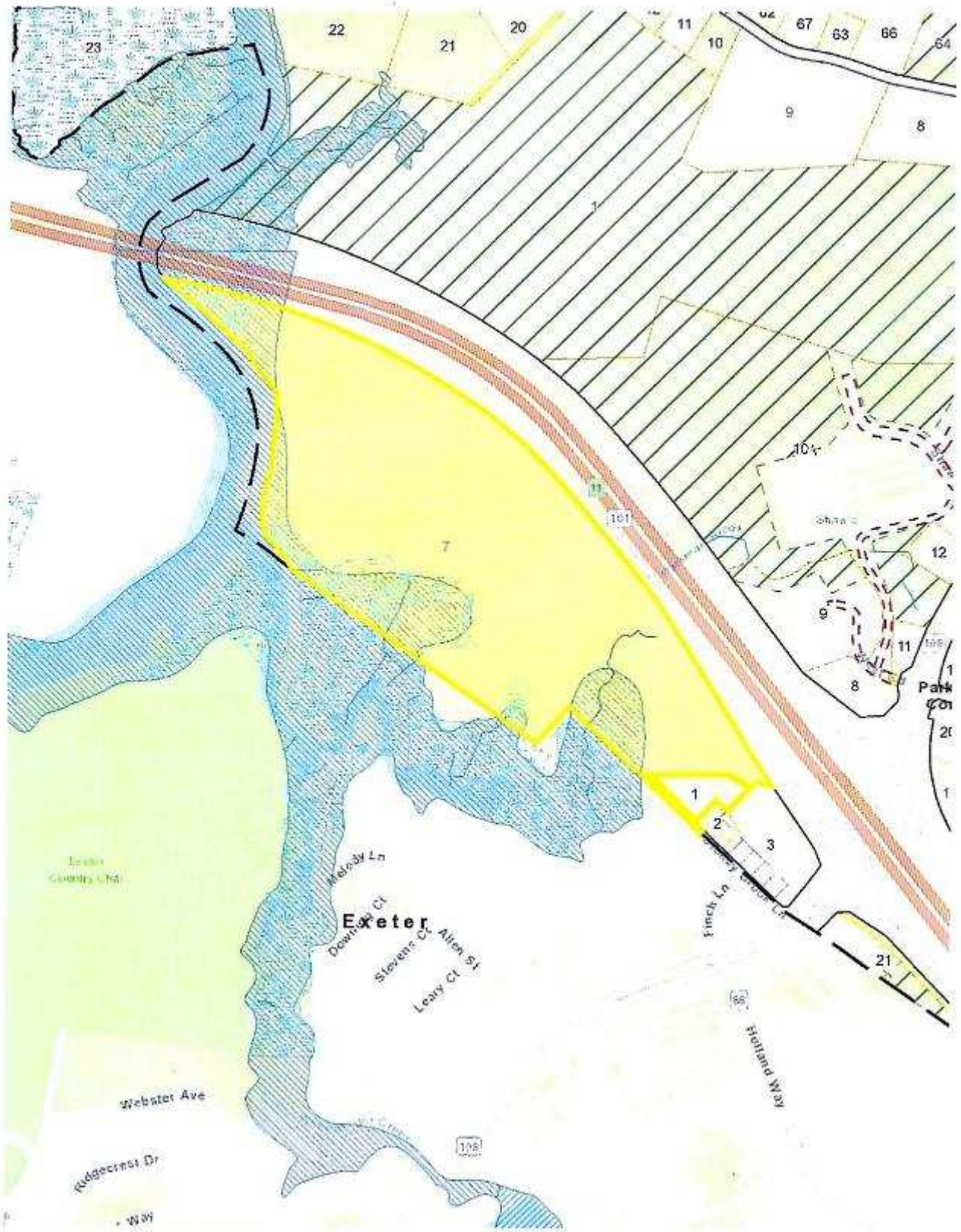
















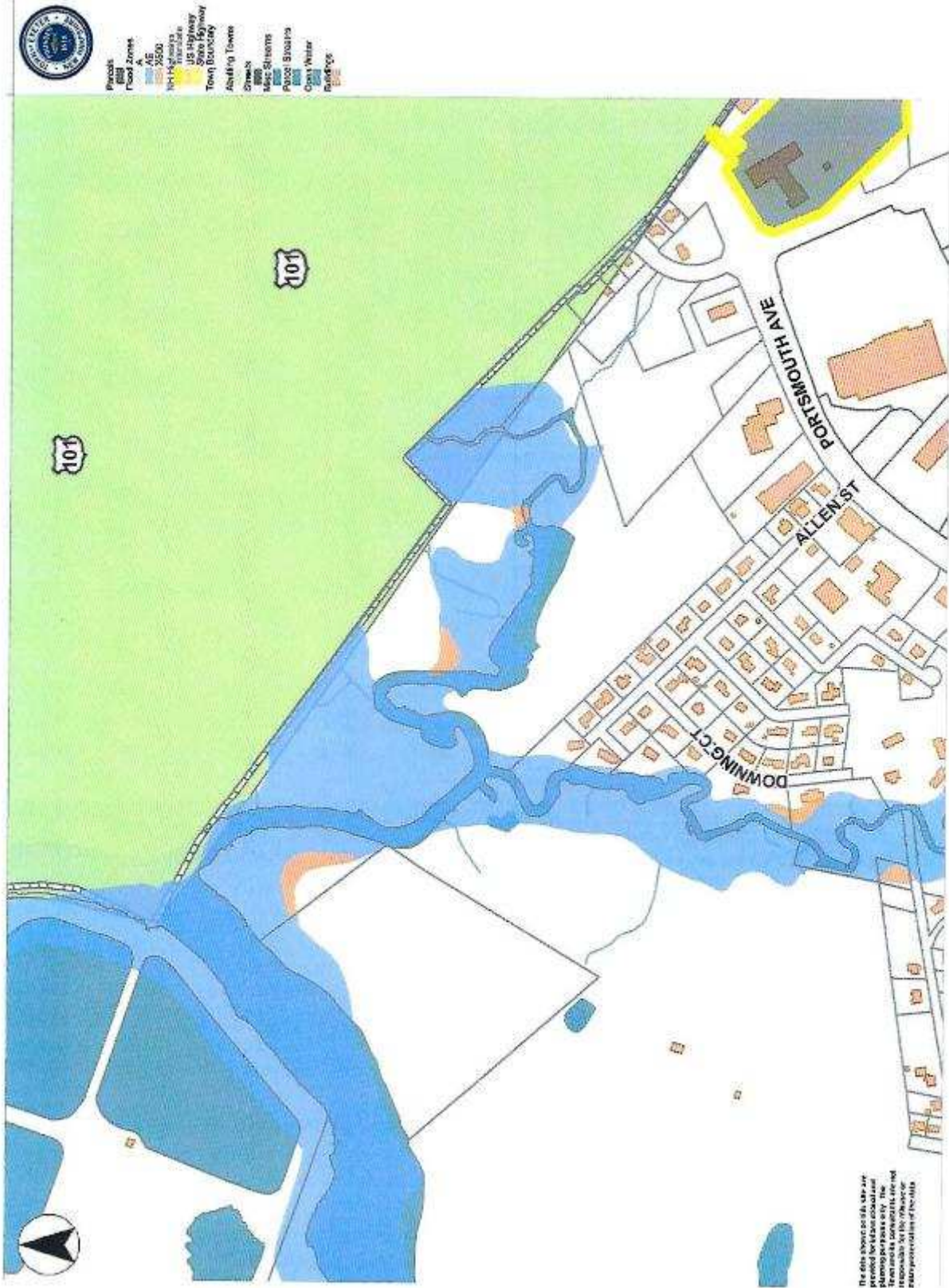


Exeter MapsOnline







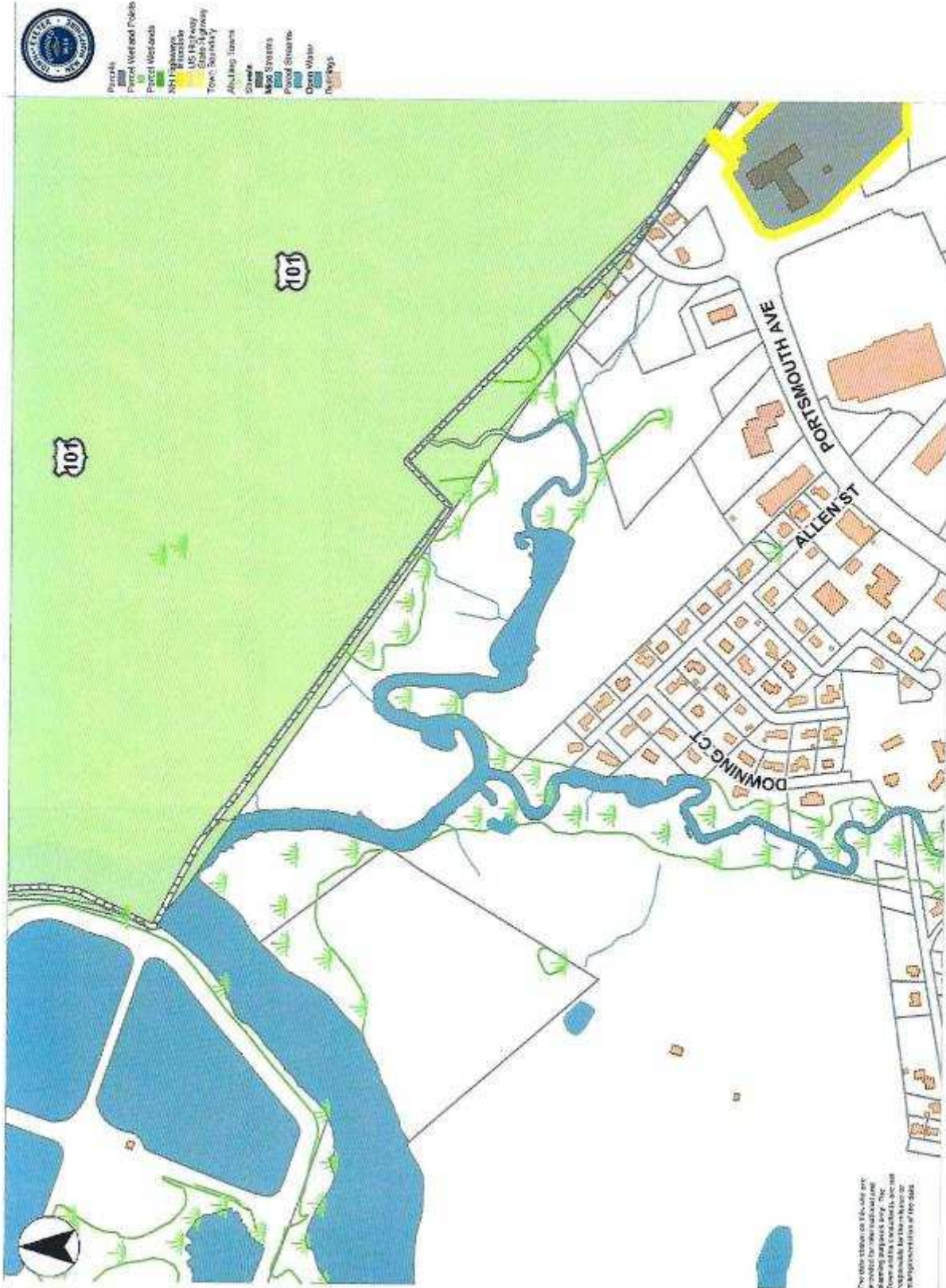


# Exeter MapsOnline









# Exeter MapsOnline



3.6 TABLE OF USES: (Rev. 3/13, 3/14, 3/16, 3/17,3/20)

USES:	ZONING DISTRICT								
	R/A	MAH	PRE	TC	GCSD	SC	CLIO	IND	33HD <sup>14</sup>
<b>A. RESIDENTIAL USES:</b>									
1. Single-Family Dwelling.	P	P	P	P	X	X	X	X	P
2. Two-Family Dwelling.	P	P	P	P	X	S/C	X	X	P
3. Multi-Family Dwelling in accordance with Section 3.7 of this Ordinance.	X	X	C	P	C	C	C	X	C
4. Cluster Developments by conditional use permit in accordance with Section VIII of this Ordinance. (Rev. 3/99)	C	X	C	P	C	C	X	X	C
5. Workforce Housing in accordance with Section 5.7 of this Ordinance.	C	X	C	P	C	C	C	X	C
6. Planned Retirement Communities in accordance with Section 5.6 and 5.7 of this Ordinance <sup>15</sup> .	X	X	X	X	X	X	X	X	X
7. Manufactured Housing.	P	P	X	P	C	X	X	X	X
8. Mobile Homes; in accordance with Section IX of this Ordinance.	X	P	X	X	X	X	X	X	X
9. Home Occupations in accordance with Sections 2.1.27, 5.13 (3/10).	S/C	S/C	S/C	S/C	X	X	X	X	S/C
10. Accessory Dwelling Units in accordance with Section 5.4. (Rev. 3/90, 3/05, 3/17, 3/18, 3/22)	P	P	P	P	X	X	X	X	P
<b>B. TEMPORARY RESIDENTIAL USES</b>									
1. Overnight and Day Camps, Cottage Colonies, Vacation Resorts, and similar Recreational Facilities.	S/C	S/C	X	X	C	X	X	X	C
2. Bed and Breakfast Inns.	S/C	S/C	S/C	P	C	P	P	X	P
3. Hotels, Motels, and Hostels. (Rev. 3/98)	X	X	X	P	C	P	C	X	X
<b>C. OUTDOOR/ RECREATIONAL USES:</b>									
1. Forestry, Wildlife, Timber Preserves, Reservoirs, and Nature Study areas.	P	P	P	P	P	P	P	P	P
2. Public Parks and Playgrounds.	P	P	P	P	P	P	S/C	S/C	P
3. Commercial Riding Stables and Riding Trails.	S/C	S/C	X	X	X	X	X	X	C
4. Historic Building or Site open to public.	P	P	P	P	P	P	P	P	P
5. Recreational Camping Parks, Recreational Areas, Residential Tenting and Recreational Vehicles.	S/C	S/C	X	X	P	X	X	X	C
<b>D. AGRICULTURAL / FORESTRY USES:</b>									
1. Agriculture and Agritourism including Dairying, Livestock, Animal and Poultry Raising, Tilling of Soil, Horticulture, Crop Production, including customary accessory uses.	P	P	P	P	P	P	P	P	P
2. Tree Farming, Commercial Timbering, Non-commercial Harvesting of Forest Products.	P	P	X	P	P	P	P	P	P

3.6 TABLE OF USES: (CONTINUED)

USES:	ZONING DISTRICT									
	R/A	MAH	PRE	TC	GCSD	SC	CLIO	IND	33HD <sup>13</sup>	
<b>E. INSTITUTIONAL USES:</b>										
1. Educational Facilities.	S/C	S/C	X	P	C	S/C	S/C	S/C	P	
2. Day-Care Facilities. (Rev. 3/95)	S/C	S/C	S/C	P	C	S/C	C	S/C	P	
3. Community Centers, Art Galleries and Small Performing Arts Venues (limited to a total occupancy of no more than 50 persons).	S/C	S/C	S/C	P	C	X	C	X	P	
4. Non-profit Lodges and Fraternal Organizations.	S/C	S/C	X	P	C	X	X	S/C	P	
5. Hospitals.	X	X	X	P	C	S/C	S/C	S/C	X	
6. Nursing Homes and Rehabilitation Centers.	X	X	X	P	C	S/C	S/C	S/C	C	
7. Funeral Home or Parlor.	X	X	X	P	C	S/C	S/C	X	X	
8. Place of Worship/Religious Use. (Rev. 3/89 and 3/23)	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	p <sup>17</sup>	
9. Cemetery.	P	P	P	P	C	X	X	X	P	
10. Public Utilities.	S/C	S/C	S/C	P	C	S/C	S/C	S/C	S/C	
11. Municipal Buildings.	P	P	P	P	C	P	P	P	P	
<b>F. COMMERCIAL USES:</b>										
1. Retail Sales. (Rev. 3/13)	X	X	C <sup>2</sup>	P	P	P	P	S/C <sup>2</sup>	C <sup>4</sup>	
2. Personal Services. (Rev. 3/13)	X	X	P	P	P	P	P	P	C	
3. Commercial Services. (Rev. 3/13)	X	X	X	P	P	P	P	P	C	
4. Professional Office. (Rev. 3/13)	X	X	P <sup>8</sup>	P	P	P	P	P	P	
5. Banks & Lending Institutions.	X	X	S/C	P	P	P	P	P	C	
6. Small Restaurants (under 2,500 square-feet of gross interior space).	X	X	C	P	P	P	P	C <sup>2</sup>	C	
7. Large Restaurants (over 2,500 square-feet of gross interior space).	X	X	X	P	P	P	P	C <sup>2</sup>	X	
8. Brew Pubs.	X	X	X	P	P	P	P	C <sup>2</sup>	X	
9. Nano Breweries <sup>12</sup> .	X	X	X	P	P	P	P	P	C	
10. Wineries.	X	X	X	C	P	P	P	X	C	
11. Motor Vehicle Dealerships <sup>11</sup> , Automobile Service Facilities, and Gasoline Stations.	X	X	X	X	C	X	X	X	X	
12. Parking lots or Parking Garages as a primary use <sup>14</sup> .	X	X	X	X	X	X	X	X	X	
13. Veterinary Hospitals.	X	X	X	P	C	P	P	X	S/C	
14. Kennels, with a minimum lot size of five acres and a structure setback of a minimum of 300 feet from all lot lines.	S/C	X	X	X	C	S/C	S/C	X	S/C	
15. Airports, Runways, Control Towers, Administration Buildings, Hangars.	X	X	X	X	X	X	X	X	X	
16. Drive-through services.	X	X	X	C	C	X	X	X	X	

3.6 TABLE OF USES: (CONTINUED)

USES:	ZONING DISTRICT									
	R/A	MAH	PRE	TC	GCHD	SC	CUO	IND	33HD <sup>14</sup>	
<b>F. COMMERCIAL USES:</b>										
17. Society for Prevention of Cruelty to Animals. (Rev. 3/97)	S/C	X	P	X	X	X	X	X	X	X
18. Adult Uses. (Adopted 3/93)	X	X	X	X	S/C <sup>1</sup>	S/C <sup>1</sup>	X	X	X	X
19. Special Promotional Sales & Displays <sup>6</sup> . (Adopted 3/96)	X	X	X	P	P	P	P	X	X	X
20. Self Storage or Warehousing. (Adopted 3/96)	X	X	X	X	C <sup>7</sup>	C <sup>7</sup>	C <sup>7</sup>	X	X	X
21. Small Conference Center or Event Venue (with a capacity of 50 or fewer occupants).	X	X	X	P	P	P	X	X	C	C
22. Large Conference Center or Event Venue (with a capacity of more than 50 occupants).	X	X	X	P	P	P	X	X	X	X
23. Movie Theater, Indoor Entertainment Complex. (Adopted 3/09)	X	X	X	P	P	P	X	X	X	X
<b>G. INDUSTRIAL USES:</b>										
1. Manufacturing, Assembly, Fabricating Operations.	X	X	X	X	C	X	C	P	X	X
2. Research and Development, Corporate, and Business Offices.	X	X	X	P	C	P	P	P	X	X
3. Warehousing and Wholesaling Operations.	X	X	X	X	C	S/C	C	P	X	X
4. Freight and Trucking Terminals.	X	X	X	X	C	S/C	C	S/C	X	X
5. Bulk Storage and Distribution of Goods, except Fuels.	X	X	X	X	X	X	C	P	X	X
6. Bulk Storage of Fossil Fuels.	X	X	X	X	X	X	X	X	X	X
7. Earth Products Removal subject to the provisions of Section X.	P	P	X	X	C	P	P	P	C	C
8. Commercial Sawmills.	X	X	X	X	X	S/C	X	S/C	X	X
9. Junk Yards, Recycling Centers.	X	X	X	X	X	X	X	S/C	X	X
10. Special Promotional Sales & Displays <sup>6</sup> . (Adopted 3/96)	X	X	X	P	P	P	P	X	X	X
11. Maker Space.	X	X	C	P	P	P	P	P	C	C
12. Light Industrial. (Adopted 3/98)	X	X	X	X	X	P <sup>8</sup>	P	P	C	C
13. Light Manufacturing Facility <sup>15</sup> .	X	X	X	C	C	C	C	P	C	C

LEGEND

X - Not Permitted

P - Permitted

C - Permitted by Conditional Use Permit only

S/C - Projects that require Site Plan Review also require a Conditional Use Permit. Projects with no site work that triggers Site Plan Review would proceed via Special Exception.



**FOOTNOTES TO TABLE 3.6:**

1. Agriculture and agritourism as defined in Section II, Definitions, 2.1.6. Forestry uses permitted include tree farming, commercial timbering, non-commercial harvesting of forest products. (Rev. 3/16)
2. In the Professional/Residential Zoning District, new retail sales on the west side of Route 108 will be limited to existing buildings prior to the adoption of this Section and shall not exceed 500 total square feet. New retail sales on the east side will be limited to 2,000 square feet of designated retail floor area either within an existing or new building. (Rev. 3/13)  
  
The proposed layout and design of the retail use shall be compatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. The location, nature, design, and height of the new or existing structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood. Drive-through facilities are not permitted in the Professional / Residential Zoning District. (Rev. 3/13)
3. Retail Sales: May be permitted in the Industrial Zone as a special exception provided the proposed use is carried out on a limited or incidental basis only; the products sold must be manufactured or distributed by the parent company; the space devoted to retail sales shall not exceed 2,000 square feet; the activity will create only a small amount of additional traffic; the activity will be carried on in such a manner as not to create a nuisance to abutting landowners and/or tenants, and; the use must comply with the Town's parking specifications as delineated in Section VI. (Rev. 3/91)
4. In the professional residential district, new office structures on the west side of Route 108 will be limited to a 1600 S.F. footprint. Buildings on the east side do not have that limitation. (Rev. 3/96)
5. Special Exceptions for Adult Uses: Adult uses shall satisfy all of the following criteria for a special exception: (Rev. 3/93)
  - a. No adult use shall be located within 1,000 feet of the property line of a church, cemetery, school, day care center, or within 500 feet of a property line of a residence.
  - b. No sexually explicit material or advertising shall be visible from outside the building.
  - c. No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.
  - d. No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering.
6. Special Promotional Sales and Displays: Shall be allowed by permit only and shall be limited per business to eight (8) days annually, with each promotional period not to exceed four (4) consecutive days in length. Such a permit shall be issued by the Code Enforcement Officer. The setback requirements shall comply with Section IV: Dimensional Requirements of this Ordinance. (Adopted 3/96)
7. Self-Storage or Warehousing: Shall only be permitted by Conditional Use Permit and in accordance with the following performance based standards: (Adopted 3/99)
  - a. Any and all structures shall be setback a distance of 150 feet from existing rights-of-ways and 250 feet from any portion of the right-of-way for Portsmouth Avenue or State Route 101.
  - b. Any and all access ways, parking and other infra-structure of any kind related to the use in any way shall be set back 100 feet from existing rights-of-ways and 125 feet from Portsmouth Avenue and State Route 101 except at the point where access is granted.
  - c. Self-Storage or Warehousing shall have opaque buffers in all directions that shall provide visual and otherwise protective vegetative buffer utilizing existing vegetation and landscaping to the maximum extent feasible, and where appropriate, fabricated materials and fences. Such buffers

- shall be at a minimum depth of 50', and provide, in all seasons, an opaque screening. However, the Planning Board may require additional buffering relative to distance or opacity.
- d. No outdoor storage of any kind shall be permitted in association with these uses.
  - e. Structures used for self-storage or warehousing shall not occupy more than 10% of the lot.
8. Not permitted within 800 feet of Portsmouth Avenue. (Adopted 3/98)
  9. Such uses shall be accessory and subordinate to primary use of the property and shall not be permitted freestanding signage apart from directional signage in accordance with Section 7 of the Zoning Regulations. (Adopted 3/20)
  10. Light Manufacturing Facility includes facilities that produce and sell 1) artisanal products derived from materials such as paper, wood, metal and ceramic, food products, and fine art, or 2) light manufacturing determined by the Board to not have negative impacts on traffic, circulation, or similar neighborhood impacts.
  11. All uses are subject to the requirements and limitations of Section 3.10 Route 33/Legacy Highway Corridor District.
  12. As defined under NH RSA 178:12-a.
  13. Motor Vehicle Dealerships shall not be limited to lots for storage of motor vehicles for sale. A Motor Vehicle Dealership must include a structure of at least 2,500 square-feet where sales and other functions of the dealership are conducted.
  14. Parking lots or parking garages, defined as a storage area for six or more motor vehicles, shall be prohibited as a primary use of a parcel. Parking lots and parking garages are permitted accessory uses.
  15. Planned Retirement Communities and Elderly Affordable Housing shall be permitted in the Planned Retirement Community District only and prohibited in all other zoning district.
  16. Retail Uses in the Route 33 Legacy Highway Heritage District shall be limited to a maximum of 2,000 square-feet of interior space.
  17. Places of Worship shall be permitted subject to the requirements of Section 3.3 of the Site Plan Regulations.

**ADDITIONAL NOTES:**

All permitted uses are subject to all of the other provisions of this Ordinance. All special exceptions are subject to the provisions of Section XVII, the Board of Adjustment. Conditional use permits shall be granted in accordance with the following: (Rev. 3/98, 3/13)

1. **Conditional Use Permits:** All developments designated as "C" in Table 3.6, Table of Uses shall obtain a conditional use permit from the Planning Board. The conditional use permit shall clearly set forth all conditions of approval and shall clearly list all plans, drawings, and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the conditional use permit shall be considered to be a condition of approval. (Rev. 3/99)
2. These provisions shall not be construed as establishing any legal right to a given use.
3. **Approval and Granting of Permit:**
  - a. **Planning Board Decision Based on Findings.** Every decision of the Planning Board pertaining to the granting, denial or amendment of a request for a Conditional Use Permit shall be based upon the findings of fact and conditions of approval. The findings of fact and conditions of approval shall be supported in the records of its proceedings. All standards below must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall be deemed not to be in compliance with these regulations.

- 3.4.4 **Professional/Residential District:** The intent of this district is to maintain the existing and surrounding neighborhood's residential appearance while allowing professional office development and limited retail uses through creative planning, oversight, and performance standards.
- The district offers a unique opportunity to promote mixed-use development while maintaining buffering for residential neighborhoods from disturbance and disruption on streets with high traffic volumes.<sup>4</sup> (Rev. 3/13)
- 3.4.5 **Town Center District:** The intent of this district is to foster a vibrant mixed-use zoning district with a traditional pattern of development that supports a diverse range of uses, pedestrian accommodations and walkable streets, public spaces, and multi-modal access culminating in an integrated rural, historic New England town center and civic focal point. Further, the purpose is to offer zoning to enhance the economic vitality, business diversity, accessibility, and visual appeal of Stratham's Town Center District, in a manner that is consistent with the landscape and architecture of Town's agrarian tradition and historical significance within the community. (Rev. 3/14)
- 3.4.6 **Gateway Commercial Business District:** The intent of this District is to promote economic vitality, business diversity, accessibility, and visual appeal of the Route 108/Portsmouth Avenue corridor in a manner that is consistent with the landscape and architecture of the Town's agricultural tradition. Further, the District fosters the development of a vibrant mixed-use zoning district with a cohesive street layout and architectural character that includes commercial, residential, and civic uses and the integration of open spaces, transit, bicycle, and pedestrian accommodations. (Adopted 3/10, Rev. 3/13)
- 3.4.7 **Special Commercial District:** The intent of this district is to provide an opportunity for the development of hotel, conference center, and restaurant and entertainment complexes to be provided within Stratham, larger scale mixed-use development should be encouraged within the district. Where municipal water and sewer services are available, increased densities shall be allowed. Traditional New England Village design shall also be required to permit higher densities. In addition commercial/professional uses are allowed with upper story residential uses encouraged. The development of any new auto dealerships or service stations shall be prohibited. (Adopted 3/09)
- 3.4.8 **Flexible/Mixed Use Development District:** The intent of this district is to address the redevelopment of the current NH Community College site. The ordinance requires any developer to utilize compact village development guidelines for new development, which encourages the creation of human-scale development with pedestrian friendly spaces, centralized park areas, recreational opportunities and energy efficiency standards and sustainability practices. The ordinance also encourages a mixed-use environment, which allows opportunities to develop new or provides for the adaptive reuse of existing structures where flexible performance standards provide for the protection of abutting neighborhoods, surrounding properties and uses. (Adopted 3/07)

<sup>4</sup> The Stratham Zoning Map was amended to include in the Professional/Residential district, the property on Emery Lane, Map 13, Lot 44, located on the east side of Emery Lane with frontage on both Emery Lane and Portsmouth Ave. (Rev. 3/96); and amended to include in the Professional/Residential district, the property south of Bunker Hill Ave. and east of Portsmouth Ave. (Tax Map 13 Lots 127, 128, & a portion of 129 with frontage on Portsmouth Avenue). (Rev. 3/98)



**4.2 TABLE OF DIMENSIONAL REQUIREMENTS:** (Rev. 3/60, 3/13, 3/18, 3/21, 3/23)

(See explanatory footnotes on next page)

	DIMENSIONAL REQUIREMENT:	Residential/ Agricultural	Manufactured Housing/Mobile Homes (f)	Professional/ Residential:	Special Commercial: without Utilities / with Utilities (public water and sewer services) (Adapted 3/05)		Commercial/ Light Industrial/ Office:	Industrial:	Retirement Planned Community: (h)
MINIMUM Lot Dimensions: (b)	AREA:	2 acres (a)	1 acre (c)	1 acre (c)	1 acre		1 acre	2 acres	5 acres
	CONTIGUOUS FRONTAGE:	200' (c)	100' (c)	150' (c)	200'	100'	150'	150'	50'
	DEPTH:	150'	150'	150'	100'	100'	100'	200'	200'
MINIMUM Yard Dimensions: (b)	FRONT:	30' (d)	30' (d)	30' (b)	50'	40'	30'	30'	40'
	SIDE:	20'	20'	20' (b)	25'	30'	25'	40'	40'
	REAR:	20'	20'	20' (b)	25'	20'	25'	50'	40'
	MAXIMUM HEIGHT OF STRUCTURE:	35'	35'	35'	35'	50'	35' (e)	35' (e)	45'
	MAXIMUM % BUILDING COVER/LOT:	20%	25%	30%	40%	60%	40%	40'	40%
	MAXIMUM BUILDING FOOTPRINT: (Adapted 3/00)	N/A	N/A	N/A	80,000 square feet		80,000 square feet	N/A	N/A
	MINIMUM % OPEN SPACE/LOT:	60%	50%	50%	50%	30%	40%	40%	40%
	FRONT OPEN SPACE SETBACK:	N/A	N/A	30' minimum 50' average	35' min. 50' avg.	NA	See 4.3(g) explanatory notes	25' minimum 50' average	40' minimum
	SIDE/REAR OPEN SPACE SETBACK:	N/A	N/A	20' minimum 30' average	25' min. 40' avg.	NA	See 4.3(g) explanatory notes	25' minimum	40' minimum

on special exception approvals when necessary. The Board shall deny requests for special exceptions that do not meet the standards of this Section.

- b. The Board of Adjustment may refer an application for a special exception to the Planning Board for an advisory opinion. If requested, the applicant shall appear before the Planning Board for a non-binding, preliminary consultation. The public meeting would be limited to providing guidance on the impact of special exception upon the character of the neighborhood and specific questions related to site development.
- c. Special Exceptions: shall meet the following standards:
  - i. Standards provided by this Ordinance for the particular use permitted by special exception;
  - ii. No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials;
  - iii. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;
  - iv. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;
  - v. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools;
  - vi. No significant increase of storm water runoff onto adjacent property or streets.
- d. Special Exception Approvals: may be subject to appropriate conditions including the following:
  - i. Front, side, or rear yards in excess of the minimum requirements of this Ordinance;
  - ii. Screening of the premises from the street or adjacent property by walls, fences, or other devices;
  - iii. Modification of the exterior features or buildings or other structures;
  - iv. Reasonable limitations on the number of occupants and methods and times of operation;
  - v. Grading of the premises for proper drainage;
  - vi. Regulation of design of access drives, sidewalks, and other traffic features;
  - vii. Regulation of the number, size, and lighting of signs more stringent than the requirements of this Ordinance.

#### 17.8.3 Variances: (Rev. 3/11)

- c. As provided for in NH RSA 674:33-I(a), the Board of Adjustment shall hear and decide requests to vary the terms of this Ordinance. At the hearing on the application, the applicant shall present testimony and other evidence to establish that the conditions for variance have been met. The decision of the Board shall be based on the evidence both written and oral which shall be presented at the hearing and as may be contained in the application. Abutters and residents shall be entitled to present testimony and

other evidence to establish that the applicant either has or has not met all of the listed conditions as stated below.

- f. No variance shall be granted unless all of the following conditions are met:
  - i. The variance will not be contrary to the public interest.
  - ii. The spirit of the ordinance is observed.
  - iii. Substantial justice is done.
  - iv. The values of surrounding properties are not diminished, and
  - v. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
    - 1. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
      - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
      - b. The proposed use is a reasonable one.
    - 2. If the criteria in subparagraph 1. are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.
    - 3. The definition of "unnecessary hardship" set forth in this section shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

**17.9 FINDINGS OF FACT**

The Board of Adjustment shall present findings of fact for all its decisions and shall enter such findings in its records.

**17.10 REPRESENTATIONS**

Representations made at the public hearing or material submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking, or use which are subject to regulation pursuant to Subsection 17.8.2 or 17.8.3 shall be deemed conditions upon such special exception or variance.

**17.11 DURATION OF APPROVAL, (adopted 3/15)**

All variances and special exceptions granted by the Board of Adjustment shall be valid for a period of two (2) years after the date of the decision of the Board of Adjustment; provided, however, that once substantial compliance with said decision has occurred or substantial completion of the improvements allowed by said decision has occurred, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such decision. In the event that at the expiration of such two-year period substantial compliance with said decision or



Brian and Dahlia Daigle  
11 Stoneybrook Lane  
Stratham, NH 03885  
Tax Map 4/ Lot 2

Brian and Dahlia Daigle  
11 Stoneybrook Lane  
Stratham, NH 03885  
Tax Map 4/ Lot 2

Brian and Dahlia Daigle  
11 Stoneybrook Lane  
Stratham, NH 03885  
Tax Map 4/ Lot 2

Sarnia Properties  
c/o CP Management  
11 Court Street; Ste 100  
Exeter, NH 03833  
Tax Map 4/ Lot 3

Sarnia Properties  
c/o CP Management  
11 Court Street; Ste 100  
Exeter, NH 03833  
Tax Map 4/ Lot 3

Sarnia Properties  
c/o CP Management  
11 Court Street; Ste 100  
Exeter, NH 03833  
Tax Map 4/ Lot 3

Stratham-West Road, LLC  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 8

Stratham-West Road, LLC  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 8

Stratham-West Road, LLC  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 8

Route 11 Investments Inc.  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 9

Route 11 Investments Inc.  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 9

Route 11 Investments Inc.  
142 Portsmouth Avenue  
Stratham, NH 03885  
Tax Map 4/ Lot 9

NPS2 LLC c/o Shaw's #7621  
Attn: Paradigm Tax Group  
PO Box 800729  
Dallas, TX 75380  
Tax Map 4/ Lot 10

NPS2 LLC c/o Shaw's #7621  
Attn: Paradigm Tax Group  
PO Box 800729  
Dallas, TX 75380  
Tax Map 4/ Lot 10

NPS2 LLC c/o Shaw's #7621  
Attn: Paradigm Tax Group  
PO Box 800729  
Dallas, TX 75380  
Tax Map 4/ Lot 10

Cobalt Properties NH Corp  
c/o Irving Oil Limited  
PO Box 868  
Calais, ME 04619  
Tax Map 4/ Lot 20

Cobalt Properties NH Corp  
c/o Irving Oil Limited  
PO Box 868  
Calais, ME 04619  
Tax Map 4/ Lot 20

Cobalt Properties NH Corp  
c/o Irving Oil Limited  
PO Box 868  
Calais, ME 04619  
Tax Map 4/ Lot 20

Stratham Heights Real Estate  
10 Stratham Heights Road  
Stratham, NH 03885  
Tax Map 4/ Lot 19

Stratham Heights Real Estate  
10 Stratham Heights Road  
Stratham, NH 03885  
Tax Map 4/ Lot 19

Stratham Heights Real Estate  
10 Stratham Heights Road  
Stratham, NH 03885  
Tax Map 4/ Lot 19

The Society for the Protection of New  
Hampshire Forests  
54 Portsmouth Street  
Concord, NH 03301

The Society for the Protection of New  
Hampshire Forests  
54 Portsmouth Street  
Concord, NH 03301  
Tax Map 8/ Lot 1

The Society for the Protection of New  
Hampshire Forests  
54 Portsmouth Street  
Concord, NH 03301  
Tax Map 8/ Lot 1

Eric and Tracey Bateman  
10 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 7

Eric and Tracey Bateman  
10 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 7

Eric and Tracey Bateman  
10 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 7

Dorothea Cleary & Wayne Taylor  
12 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 8

Dorothea Cleary & Wayne Taylor  
12 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 8

Dorothea Cleary & Wayne Taylor  
12 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 8

James and Jenee Force  
14 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 9

James and Jenee Force  
14 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 9

James and Jenee Force  
14 Stoneybrook Lane  
Exeter, NH 03833  
Tax Map 51/ Lot 9

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 51/ Lot 10

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 51/ Lot 10

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 51/ Lot 10

Dade Auto Holdings Realty Trust  
140 Portsmouth Avenue  
Exeter, NH 03833  
Tax Map 51/ Lot 3.4

Dade Auto Holdings Realty Trust  
140 Portsmouth Avenue  
Exeter, NH 03833  
Tax Map 51/ Lot 3.4

Dade Auto Holdings Realty Trust  
140 Portsmouth Avenue  
Exeter, NH 03833  
Tax Map 51/ Lot 3.4

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 1

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 1

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 1

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 2

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 2

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 50/ Lot 2

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 52/ Lot 97

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 52/ Lot 97

Town of Exeter  
10 Front Street  
Exeter, NH 03833  
Tax Map 52/ Lot 97

Exeter Country Club  
PO Box 1088  
Exeter, NH 03833  
Tax Map 52/ Lot 1

Exeter Country Club  
PO Box 1088  
Exeter, NH 03833  
Tax Map 52/ Lot 1

Exeter Country Club  
PO Box 1088  
Exeter, NH 03833  
Tax Map 52/ Lot 1

State of New Hampshire  
PO Box 483  
Concord, NH 03302  
Tax Map 51/ Lot 3-2

State of New Hampshire  
PO Box 483  
Concord, NH 03302  
Tax Map 51/ Lot 3-2

State of New Hampshire  
PO Box 483  
Concord, NH 03302  
Tax Map 51/ Lot 3-2

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 4/ Lots 1 & 7

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 4/ Lots 1 & 7

Boulders Realty Corp.  
PO Box 190  
Exeter, NH 03833  
Tax Map 4/ Lots 1 & 7

Jones & Beach Engineers Inc.  
85 Portsmouth Avenue  
Stratham, NH 03885

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85 Portsmouth Avenue  
Stratham, NH 03885

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85 Portsmouth Avenue  
Stratham, NH 03885

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